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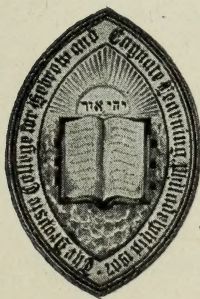
THE
JEWISH QUARTERLY REVIEW

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EDITED BY
CYRUS ADLER AND S. SCHECHTER

VOLUME III

1912-1913



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THE POLITY OF THE ANCIENT HEBREWS*

BY MAYER SULZBERGER, Philadelphia

I

IN accepting the flattering invitation of this learned institution to deliver a course of lectures on the Institutes of Government of the Ancient Hebrews, the natural reluctance to assume a novel duty was overcome by the earnest suggestion that at least so much was due to the cause and to the venerated Founder of this college. In the course of a long and active life, he always found time and opportunity to further the cause of Hebrew learning, and this munificent endowment by his last will and testament was the fitting crown upon his lifelong labors in the cause.

The western world—the world of modern civilization—has always felt and evinced a transcendent interest in the polity of the ancient Hebrews. The books in which it is recorded were once universally accepted as literally inspired, and although the modern course of thought has tended to raise important dissents from this view, it is still widely accepted, and even those who reject it have contributed some of the most valuable aids to the understanding of the biblical literature.

*A course of four lectures delivered before the DROPSIE COLLEGE FOR HEBREW AND COGNATE LEARNING, March 18, 21, 25 and 28, 1912.

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A phenomenon so remarkable cannot be merely casual or accidental. Whereas the legislation of the great Asiatic empires of India and China has merely aroused the curiosity of the scholar, the polity of the Hebrews has awakened the earnest attention of learned and simple, of cleric and layman, of statesman and poet. There is a feeling that the ancient Hebrew ideals of government concur with our own in their deepest meanings. Absolute autocracy, the lordly disregard of the humble, the exclusive concern of the individual for himself, these are all attributes which appear to us to be present in the great and powerful of Eastern lands, and they repel us. In the Hebrew polity the ideals are the reverse. The King was to live for his people, was governed by a fixed law which he had not made and which he could not unmake, and was checked by a national council, representative of the people.

The judicial function was, as time progressed, severed from the general sovereignty and became a power which owed allegiance to the law above all other masters, anticipating in this respect that distribution of sovereign functions which is an essential attribute of modern constitutions.

Aliens were no longer looked on as enemies, but were to be treated with fairness and regarded as friends. Slavery was abhorred, and the abuses of capitalism were deplored and restrained.

A few years ago I had the honor to deliver a lecture before the Jewish Theological Seminary at New York, in which I endeavored to show that this trait was present in the Hebrew people from the earliest times; that the aversion to absolute kingly authority was not modern or transitory, but could be traced back historically to the election

and control by the people's representatives of the kings from the very first of them, Saul, to the very last, Zedekiah; that is, through a period of more than four centuries. I also endeavored to demonstrate that this representative council, which had essential qualities of modern parliaments, was for long known as the *'am ha-areš*, a technical term which, in the mutations of time and circumstance, acquired other and totally alien connotations, until at last the true meaning was forgotten. The very simplicity of the words, the ease with which a mere tyro can translate them with the help of a dictionary, became, in later times, a powerful obstacle to the recovery of the true meaning.

On that occasion I said (*The Am-ha-aretz*, Philadelphia (Greenstone), 1910, page 58): "The Parliament of Israel had its humble beginnings at the city gate, where the elders of the town, 'comers to the gate,' sat to hold the Town Council and the Municipal Court. Gradually there was evolved, from this institution, the tribal *'Am*, which dealt with the larger matters of the district inhabited by the tribe. Friendliness among neighbors, and the necessity of defense against enemies, produced alliances between several tribes, and finally there resulted a union of all or nearly all the tribes of Israel. Then only could there have been formed a general gathering of delegates, an *'Am* of the land, our *'Am ha-aretz*."

Further investigation has not resulted in finding evidence that a tribal *'am* ever existed. Perhaps such evidence may be forthcoming in the future, but it is just as likely, and even more so, that the actual development of the *'am* did not follow the symmetrical and logical course I had marked out for it. Life with its rich and varied aspects has a way of disappointing the most rigid and exact logical

processes. This fact, however, in no wise renders doubtful the main thesis that the *'am ha-areṣ*, a great representative body, played an important part in the government of ancient Israel.

This present course will be limited in the main to the examination of the "city gate," where the council (*sekenim*, *be'alim*, *anashim*) sat, not only to hold the Town Council and the Municipal Court, but to exercise much higher powers. I shall endeavor to show that in pre-Israelite times Palestine was composed of many little city kingdoms, independent of one another, sometimes leagued together for offence or defense, sometimes arrayed against one another. They lacked large ideals. Their heaven, like their earth, was parceled out among many, each with limited local jurisdiction. Gods and Kings alike were profusely numerous.

Upon them came down the Hebrews with their large religious and national ideas. They believed at least that JHVH was the true and only God who had rule over Palestine, and that all other Gods were in that domain rebels and usurpers. The heathen's thought that the land belonged to many gods and many kings came in conflict with the Hebrew notion of Canaan as one land, the portion of one God (JHVH), for the use of one nation, JHVH's own, his *helek* (Deut. 32, 9), his *segullah* (Exod. 19, 5).

"When Elyon divided to the nations their inheritance,
When he separated the sons of Adam,
He set bounds for the (seventy) peoples, (Gen. 46, 27).
Their number even as the B'né Israel
JHVH's portion is his people,
Jacob the lot of his inheritance.
He found him in the desert land,

And in the waste, howling wilderness;
He led him about, he instructed him,
He kept him as the apple of his eye.
As the eagle stirreth up her nest,
Fluttereth over her young,
Spreadeth abroad her wings,
Taketh them,
Beareth them on her wings,
So JHVH alone did lead him;
With him there was no alien God" (Deut. 32, 8-12).

The Hebrews came as an army. Their purpose was to wrest a country from its possessors, a task that could only be accomplished by war. If they had hopes of sudden and complete conquest, these were soon dissipated. The strife went on for decades, if not longer, and even at the end the goal was never quite reached. Some parts of the country always continued in the possession of the natives, while in others a mode of compromise was found which enabled the natives and the invaders to live together in peace. While on the march it was well for Moses to pray JHVH to scatter Israel's enemies and to protect the myriads (divisions) and regiments of the Hebrew armies (Num. 10, 35-36), but when they were being settled on the land, they were confronted with the many perplexing problems with which peaceful governments must deal.

The task of ruling a country is far more complex than that of governing a camp. The compactness and the unity of the camp are its essential features, while the former demands the scattering of the people into a thousand several places, separated from each other by obstacles, natural and artificial.

The actual condition of the country and the people, old and new, had to be considered in framing the new government. That they met the difficulties and practically overcame them, history shows. The new territory was in the end welded into a solid Hebrew state. The city-kings and city-gods disappeared, and in their place came a true nation and a national God—a conception which ultimately expanded more and more until the idea of one humanity and one God became deeply rooted.

Our task in this course is to ascertain what were the early stages of this development, dealing in the first place with the common theory of tribal organization, ascertaining its true nature, and showing that its duration was less than is usually believed. We shall next examine the pre-Israelite city-states and their mode of government, following this up by a view of the Hebrew statesmanship which, retaining the form of organization of city-states, materially modified its essence. The notices preserved in the Bible of the actual exercise of the jurisdiction by the Hebrew cities will next be considered, to be followed by a consideration of the legal provisions concerning these Hebrew city-councils which still survive in the Pentateuch. And lastly we shall endeavor to show that by degrees the national religious idea was spread by the Levites and the *Nebiim*, until a true Federal state evolved, with incidental remarks as to the mode by which these great changes were effected.

I need scarcely say that in an inquiry like this into obscure points of Hebrew Constitutional history, any language I may use must not be construed into dogmatic assertion. We are all fellow-students, earnestly striving for light and knowledge, with the consciousness that the task

is difficult and that the work of many minds is required to give it even a semblance of completeness.

The common opinion undoubtedly is that the Hebrew commonwealth was formed by the union of twelve tribes (*maṭṭot, shebatim*), which were subdivided into clans (*mishpahot*), the latter into families (*bet-abot*), and these in their turn were composed of warriors (*gebarim*).

The classical text on the subject is in the seventh chapter of Joshua, which relates that the war for the conquest of Canaan was auspiciously begun by the capture of the walled city of Jericho; that by Divine order, its inhabitants (save a few favored for cause) were doomed to extinction, and, moreover, it was commanded that the victors should avoid taking booty, since it was *herem* and as such would contaminate not only the taker, but the whole camp (Josh. 6, 18). A soldier yielding to temptation captured and hid away a goodly Babylonish garment, two hundred shekels of silver, and a golden ornament of fifty shekels weight.

Instantly the Divine favor was withdrawn. The city of Ai, the point of next attack, which seemed easy of capture, resisted and defeated the Israelite force. Joshua, perturbed, inquired of the oracle and was informed that the disfavor was due to the breach of the order against booty. It became his task to discover the guilty person. The mode of consulting the oracle is given at length (Josh. 7, 16-18). A series of questions is asked, and the oracle, through the priest in charge of the Ark of the Covenant, makes reply.

Incidentally, too, we learn the scheme of army organization. A representative of each tribe being brought before the Ark, the question was put: To which of these

tribes (*shebatim*) does the offender belong? The answer was, *Judah*. Thereupon the representatives of the several clans of the tribe of Judah were placed before the Ark, and the question propounded: To which of these *mishpahot* does the offender belong? The answer was, *Zerah*. The representatives of the several families of the Zerah clan being placed before the Ark, the next question was: To which of these *bet-abot* does the offender belong? The answer was, *Zabdi*. Thereupon the *gebarim* (individual warriors) of the Zabdi family, being put before the Ark, the question was put: Which of these *gebarim* is the guilty man? And the answer was, *Achan*, ben Karmi, ben Zabdi, ben Zerah, of the tribe (*matteh*) of Judah. The text is slightly defective, but a careful reading of it justifies this translation.

We have here a perfect scheme of organization: tribes (*matot*, *shebatim*), clans (*mishpahot*), families (*bet-abot*), *gebarim* (individual soldiers).

It does not, however, stand alone. The scheme put before Moses by Jethro is different. It divides the hosts into thousands (*alaphim*), hundreds (*me'ot*), fifties (*hamishim*) and tens (*'asarot*) (Exod. 18, 21).

At the selection of Saul for King (I Sam. 10, 17-25) at Mizpeh the people were divided into tribes (*shebatim*) and clans (*mishpahot*). The *bet-abot* are not mentioned, Saul being picked out of the *mishpahah* of Matri. And there is still another difficulty. In verse 19, the word *alaphim* is used for the *mishpahot*, a phenomenon which occurs also in the story of Gideon (Judges 6, 15), who says that he belonged to a poor clan (*eleph*). To add to the confusion, the passage Numbers 1, 16 seems to identify

the *nesi'im* of the tribes with the *rashim* of the *alaphim*, and would make the latter word mean tribes.

In later times the word *eleph* obtained a meaning even more extended. When Saul was eager to seize David, he promised to hunt him out of the fastnesses or districts (*alaphim*) of the Judean wilderness, while Micah 5, 1 speaks of the city of Bethlehem as among the cities (*alaphim*) of Judah.

Whether the systems of Joshua (7, 14-18) and of Jethro (Exod. 18, 21) existed contemporaneously, may be incapable of determination on the evidence, but the fact seems scarcely probable. It may be a fair conjecture to believe that the tribal system came first, and as time went on the organization of the army became more perfect. So, likewise, as the Hebrew army occupied and settled the land piecemeal, an organization quite unlike the military organization in either shape would take its place.

The Jethro organization being military, pure and simple, would go down first, while the tribal organization, founded on notions of kinship and to a certain extent by neighborhood settlement, would last longer. As the civil government became more and more powerful, it would easily appropriate old tribal military terms and attach them to officers and circumstances of civil life, creating at the same time new meanings, wholly or partially unrelated to their original meaning.

So only can we explain the confusion in the term *eleph*, which, meaning at first a regiment of soldiers, is in antiquarian records confounded now with tribe, now with clan, and in the speech of the day comes to mean a district of land, or even a city.

On this principle Jethro's scheme becomes plain. He would form regiments of a thousand (*alaphim*), divide them into companies of a hundred (*me'ot*), divide each of these again into half-companies of fifty (*hamishim*), and then subdivide the latter into squads (corporal's guards) of ten, each division and subdivision having a proper officer (*sar*).

Some such arrangement appears indicated in Judges 20, 10, where a squad of ten men out of every hundred (company) are designated to provision the army, and the statement is incidentally made that there are companies (*me'ot*), regiments (*alaphim*), and divisions (*rebabot*, 10,000).

There are other passages confirming this view. In the Song of Moses (Deut. 32, 30) the poet asks: "How should one chase a regiment (*eleph*) or two a division (*rebabah*)?" And in Deut. 33, 17, the military prowess of the house of Joseph is based on the *rebabot* (divisions) of Ephraim, and the *alaphim* (regiments) of Manasseh. The enmity conceived by Saul for David is related as having originated in the former's mortification at the extravagant language of a popular song which represented David as slaughtering whole divisions (*rebabot*), while Saul had only decimated regiments (*alaphim*) (I Sam. 18, 8).

Perhaps even the term *hamushim* (soldiers) originated from these half-companies of fifty (Exod. 13, 18; Josh. 1, 14; 4, 12; Judges 7, 11). And the word *sar* long continued to be applied to military officers (Isai. 21, 5; II Chron. 32, 21).

If this theory be correct, we are entitled to believe that as early as the time of Saul the tribal system had so weakened that they used *mishpahah* and *eleph* indifferently

for each other and did not keep *bet-abot* in mind, and that in later times there were still wider divergences from the ancient meaning.

The whole history of the *shophetim* also tends to confirm this view. Gideon, whose connection with any other tribe than Manasseh is not made clear, was early considered the *shophet* of all Israel. And the same is true of his son Abimelech (Judges 9, 22), as also of Jephthah (Judges 11, 11). More significant still is the fact that we are not told to which tribe Shamgar, Deborah, Ibzan, or Abdon belonged, an omission scarcely explicable if we assume that each tribe had some kind of a government of its own within its own territory.

There is no difficulty in concluding that the real tribal organization disappeared with the conquest and survived only in names and in fragments of institutions. As early as the time of David, the census lumps the ten tribes together as Israel (II Sam. 24, 9; I Chron. 21, 5-6).

Solomon's government seems to have ignored tribal authority. His twelve *niṣṣabim* had jurisdiction over territory, but their tribal connection is not mentioned (I Kings 4, 7-19). Jeroboam was Solomon's supervisor of labor for Beth-Joseph (I Kings 11, 28), which seems to have been an alternative name for all Israel outside of Judah-Benjamin (I Kings 11, 28). The narrative concerning the latter's strange investiture into the kingly office by the prophet Ahijah would seem to allow of no other conclusion (I Kings 11, 31). And finally, when the rebellion breaks out, there is no mention of any tribe. All Israel (*kol-Israel*) shouted: "To your tents, O Israel!" (I Kings 12, 16).

Still more significant of the effacement of tribal lines is the fact that we do not know to which tribe belonged Omri, Ahab, or Jehu, the three most notable kings of the northern line. The evidence seems conclusive that this effacement of tribal lines had gone on for a few centuries, that we see the movement in progress in the Song of Deborah, and that it was nearly accomplished by the time of the priest-*shophet* Eli. At all events, the tradition was that Deborah judged not a tribe or a small group of tribes, but the *B'né-Israel* (Judges 4, 5) and that Eli (I Sam. 4, 18) and Samuel did the same (I Sam. 7, 16-17). And although it may well be that some of the military chiefs, called *shophetim* (judges), ruled only a section of Israel, the evidence that this rule was tribal in its nature is very scanty. Jephthah, one of the most renowned of them, was the head of Gilead, which was not a tribe but a territory. At all events, the oldest traditions of Israel were that there was in those old times a national union with a national head.

Assuming, then, that this military organization for conquest became gradually modified as the invasion grew more and more successful, it becomes interesting to learn how and why such changes took place.

The objective purpose of Moses was to overcome and possess Canaan, the territory between the Mediterranean and the Jordan, and to establish therein the *B'né-Israel* as a unified commonwealth with righteous aims and sound laws. For reasons which seemed to him good and sufficient, he determined that the attack should be made from the east, by fording the Jordan. In a friendly way he requested the powers controlling the eastern territory to grant him leave to pass. This being refused, he fought his way, and

thus the war began in a country on which he had no hostile designs and at a time earlier than he had planned. Sihon, king of the Amorites, was the first to go down before the invaders. At the battle of Jahaz he was defeated, and in consequence lost his land from Arnon to Jabbok. Israel took all his cities with their *banot* and occupied them (Numb. 21, 24-25, 32). Og, king of Bashan, was the next to suffer. At Edrei he was totally routed (Numb. 21, 33, 35), and Israel took possession of his domain, as it had before dealt with the Amorite land (Numb. 21, 34).

The advance was then made to the Jordan, opposite Jericho, from which point it had been designed to begin the war.

At once the important question obtruded itself, whether it were wise to abandon the conquered territory for an enemy to re-occupy, or to retain it and thus enlarge the portion of land which would fall to each. The B'né Reuben and the B'né-Gad offered to send their military contingent to aid in the conquest of Canaan proper, and to waive their share of that land, if the territory east of Jordan were assigned to them as their portion. Their offer was accepted and they, together with the half-tribe of Manasseh (which appears to have joined them in their project), received the territory which had been reft from Sihon and from Og, with the cities thereof (Numb. 32, 1-33), their dependencies (*banot*) (Numb. 32, 42), and their villages (*ḥawwot*) (Numb. 32, 41), or *ḥaṣerim* (Josh. 13, 28).

The momentous nature of the question facing Israel was soon realized. Two tribes and a half were to leave their wives, their children, and their cattle in the conquered territory, while the active warriors, all the men between

twenty and fifty years of age, were to leave the country to carry on in the land west of Jordan a war that might last for years. The necessity of providing for the government of this East-Jordanic territory was obvious. Order had to be preserved, enemies guarded against, quarrels adjusted. The duty naturally devolved on the *sekenim*, the men over fifty, who had become exempt from active military service in the field. Circumstances did not favor the immediate establishment of a permanent tribal government in the East-Jordanic territory. The vigorous and ambitious military chiefs were about to depart on a long and perilous expedition; the country was already organized into a series of city-states or district states, and, however faulty the system, it had worked somehow. As a temporary arrangement it may have commended itself to the best minds of Israel. This nascent nation had great ambitions but no past history. It had never owned land or cities, but it sacredly cherished ancient ambitions which told of divine promises of both.

Now it suddenly and unexpectedly became the master of these little city-kingdoms.

Sentiment doubtless soon became active. Men recalled the legends of old, that the first man who left Eden built a city (Gen. 4. 17); that the patriarch Abraham sojourned in the city of Gerar (Gen. 20, 1); that Isaac was concerned in the founding of Beersheba (Gen. 26, 33), and that Jacob had stopped at Luz and had given it a new name (Gen. 28, 19).

But whatever the power of sentiment, there was always in Israel a certain practical judgment which regulated it. The great obstacle to the adoption of the mode of government which had satisfied the aborigines, was that Israel

was in its governmental notions republican and not monarchical; in its social views democratic and not aristocratic. The Canaanite city-states were founded on principles which revolted the Hebrews.

The twelfth chapter of Joshua (vv. 9-24) gives us a list of thirty-one city-states, each governed by a king (*melek*) and the inference is not remote that the cities east of the Jordan were similarly governed, Sihon and Og being overlords, kings of the federations of city-states, each of which had a kinglet of his own. The expressions "Heshbon and all her cities" (Josh. 13, 17), "the cities and their villages" (Josh. 13, 23, 28) used of places east of Jordan give support to this view.

Such a city-state was composed in general of at least three constituent elements: the fortified city proper, with walls and towers of defense; several neighboring towns, and a number of outlying villages. The fortified city itself sustained the relation of mother (*em*) to the neighboring towns and villages. The towns were called daughters (*banot*), and the outlying villages *ḥawwot* or *ḥašerim*.

In the absence of powerful kingdoms, the formation of such small city-kingdoms, or more properly, district kingdoms, was inevitable. The relatively small territory of fertile land between the Mediterranean Sea and the Eastern Desert was then, as now, subject to incursions from the Bedouins in years when a decreased rainfall narrowed their grazing-ground. Driven westward by the mere instinct of self-preservation, they would swoop down upon the settled land and strip it bare. The shepherds and agriculturists had to take measures to save themselves. Of this necessity the fortified city was born. The inhabitants of villages and towns were compelled to have a protected place of re-

fuge where their lives and as much of their property as they could store would be safe against the marauding hordes. This they found in the walled city, wherein the inhabitants of a district within easy call could promptly gather for defense against the dreaded enemy.

These overmastering necessities affecting both sides created an irrepressible conflict, which was waged for ages and the memory of which is preserved in the undying hatred denounced against the nomadic Midianites and Amalekites (Judges 6, 1-6; 7, 23-25; Isai. 9, 3 (4); Exod. 17, 16; Deut. 25, 19).

It is probable that the kings of these numerous city-states governed despotically by the aid of ministers of their own selection. If they were aided or restrained by a considerable body of councillors, representative of the community, the evidence of the fact does not survive in our records.

However this may be, the advent of Israel swept away all these kinglets. Whenever a Hebrew army captured and occupied a city, a government by elders was at once established.

That this change was disagreeable to the aborigines who continued to live alongside of the invaders, is probable. Of this state of feeling there is perhaps a hint in the narrative recording Abimelech's attainment of the office of city-king of Shechem. The persuasive argument in his favor was the interrogatory: Do you prefer to be ruled over by seventy or by one? (Judges 9, 2).

Such a disharmony between the aborigines and the invaders could not have been exceptional. The notes on the subject are too numerous to be disregarded or to be treated lightly, and they establish the fact that the conquest

was partial in this, that the aborigines who survived the wars lived peacefully with and alongside of the conquerors.

Here are specimens of texts supporting this view: The B'né-Judah could not drive out the Jebusites from Jerusalem, but the Jebusites dwell there with them to this day (Josh. 15, 63).

The B'né-Benjamin did not drive out the Jebusites from Jerusalem, but the Jebusites dwell there with them to this day (Judges 1, 21).

Judah could not drive out the inhabitants of the valley (Judges 1, 19).

Manasseh did not drive out the inhabitants of Bethshean and her *banot*; nor of Taanach and her *banot*, nor of Dor and her *banot*, nor of Ibleam and her *banot*, nor of Megiddo and her *banot*, but the Canaanites remained in this district (Judges 1, 27).

Ephraim did not drive out the Canaanites who lived in Gezer (Judges 1, 29).

Zebulun did not drive out the inhabitants of Kitron, nor those of Nahalol, but the Canaanites continued to dwell with them (Judges 1, 30).

Asher did not drive out the inhabitants of Acco, nor those of Zidon, nor those of Ahlab, nor those of Achzib, nor those of Helbah, nor those of Aphik, nor those of Rehob; but the Asherites dwelt among the Canaanites (Judges 1, 31-32).

Naphtali did not drive out the inhabitants of Beth-Shemesh, nor those of Beth-anath, but he lived among the Canaanites who paid him tribute (Judges 1, 33).

The Amorites dwelt in Mount Heres, in Aijalon and in Shaalbim, but became tributaries (Judges 1, 35).

From this mass of evidence it must be concluded that the Hebrew conquerors found it necessary or agreeable to adopt a policy of conciliation and compromise, in order that the natives who were either too strong or too useful to be eliminated, might live content with the new institutions and customs introduced by the B'né-Israel.

It thus appears that at the very outset of its national career, Israel had to learn how to deal wisely and justly with the natives, who had different notions of government and of religion and who, by the advent of the conquerors, had practically become aliens in their own birthplaces.

The solution of the difficulty, so far as governmental features were concerned, was found in the doctrine that strangers are entitled not only to equal rights, but to genuine respect and brotherly affection.

Having brought the Hebrews into contact with the natives and their organized governments, and having suggested that a policy prevailed which may be called remarkable, if not unique, for those times and climes, we shall reserve the detailed consideration of the subject for our next lecture.

II

The problems which beset an invading army are radically different from those which confront a settled population. In the one case the purpose is aggression, in the other defense. We have seen that the Hebrew conquerors of Eastern Palestine had to face both kinds of difficulties. They were settling in the east and conquering in the west. Hence, notwithstanding the disadvantage plainly accruing from a policy of compromise, they adopted it as the lesser

evil and arranged to allow the natives to live with them in the enjoyment of rights. Means to procure general favor for this course were not wanting. Legend and history could be invoked in its behalf. The patriarch Abraham is made to say to the *'am ha-areš* of the Hittites: I am a resident alien (*ger we-toshab*) (Gen. 23, 4); Moses declares that he has been an alien (*ger*) in a foreign land (*ereš nokriyah*) (Exod. 2, 22; 18, 3). In his proposed covenant between JHVH and Israel, he expressly recognizes the alien (*ger*) in the camp (Deut. 29, 10), and in his farewell address, delivered after the capture of the cities east of Jordan, he provides for national reunions in the capital of the future commonwealth, and includes among the congregants the alien (*ger*) from the cities (Deut. 31, 12). So likewise Joshua, when he read the whole law before the whole congregation, did not forget to procure the attendance of the *ger* (Josh. 8, 35).

That the sentiment behind these utterances was strong may be inferred from its persistence in later times. David's friendly relations with foreigners is frequently alluded to. There is no finer instance of loyal fidelity than the devotion of Ittai of Gath, the captain of David's body-guard, to his royal master. About to flee from the west-land in consequence of Absalom's rebellion, he said to Ittai: Why shouldst thou an alien (*nokri*) share my fallen fortunes when the king that is would gladly retain thee in thy office? Swearing the great oath (*hai JHVH we-ḥe adoni ha-melek*), Ittai replied: "My place is with my lord the King, for death or for life!" and David said: Pass on. Between these great souls scant speech sufficed (II Sam. 15, 19-22).

So too Solomon, in his great dedication prayer, remembered the *nokri* of distant lands (I Kings 8, 41-43;

II Chr. 6, 32, 33), and even took a census of the *gerim* in the country which ascertained that their number exceeded 150,000 (II Chr. 2, 16 (17)).

Great social facts like these necessarily find expression in legislation, which is in the main the mere crystallization of custom. Accordingly we find that the institution of the Sabbath is to give rest not only to Israel but to the *ger* [who is in thy cities] (Exod. 20, 10; Deut. 5, 14); or simply to the *ger* (Exod. 23, 12).

Benevolent provision for the poor comprehends the *ger* as well as the Israelite (Deut. 14, 28, 29; 26, 11-13).

Oppression of the *ger* is insistently reprehended.

"Do not vex a *ger*, nor oppress him, for ye were *gerim* in the land of Egypt" (Ex. 22, 20 (21); 23, 9; Lev. 19, 33).

"The *ger* that dwelleth with you in your land ye shall not vex. He shall be to you as an *ezrah* (native). Thou shalt love him as thyself; for ye were *gerim* in the land of Egypt" (Lev. 19, 33, 34; Deut. 10, 19).

"Thou shalt not oppress a poor and needy hired servant (*sakir*), whether he be of thy brethren or of the *gerim* in thy land in thy cities. Pay him his wage before sundown" (Deut. 24, 14, 15).

The *ger* was entitled to the equal benefit of the law.

"Ye shall have the same *mishpat* for *ger* as for *ezrah*" (Exod. 12, 49; Lev. 24, 22; Num. 9, 14).

"Hear between your brethren and judge righteously between a man and his fellow-Israelite or *ger*" (Deut. 1, 16).

"Pervert not the judgment of the *ger* or of the *yatom*" (Deut. 24, 17).

The *ger* who has killed a man unwittingly is entitled to the benefit of the city of refuge.

"The cities of refuge are for the B'né-Israel and for the *ger we-toshab* among them" (Numb. 35, 15; Josh. 20, 9).

And though in one respect the *ger* was the inferior of the Hebrew, in that the latter was not to be held as a bond-slave, while the *ger we-toshab* might be (Lev. 25, 45), yet the latter had opportunities for social advancement. Some of them had actually bought impoverished Israelites as bond-slaves, and were legally entitled to hold them, unless redeemed for full value (Lev. 25, 47-49).

That the policy of incorporating the natives of the land into the body of the new state met with opposition and was adopted with reluctance is highly probable.

Entering the trans-Jordanic country with peaceful intention, Moses found none but enemies. Edom repelled him, while Sihon and Og insisted on battle to the death. Moab's pretended amity covered undying hatred and the fraternization at Shittim caused the leaders of the people to become traitors to JHVH's cause (Numb. 25, 1-5) and threatened the disruption of Israel.

Small wonder, then, that the policy of extinction should find sturdy advocates. The foundation stone of the new republic, the worship of JHVH, had, in the friendly intimacy of Israel with the natives, been forgotten and Baal-Peor seemed triumphant. Stern measures of repression were necessary and were executed by the militant priest Phineas, with the provost-marshals (*shophetim*) (Num. 25, 5-9).

If the principle of the new state were to be firmly established, a Pontiff was necessary to guard the national

religion. Phineas was chosen for the office (Num. 25, 11-13), the Levite with an eye single for the cause, "who did not acknowledge his brethren or know his own children," if they were unfaithful to it (Deut. 33, 9).

When Joshua from the east bank of Jordan looked on Jericho, the whole stupendous problem must have weighed him down. There was much in favor of extreme measures and much against them. Even in the city he was about to attack he had found friends among the natives, and doubtless there were such everywhere.

They might be won to the side of JHVH. The spies returned had but just brought him Rahab's words: "JHVH, your God, is God in heaven above and in earth beneath."

In the end Joshua decided in favor of the milder course. He must have believed that the JHVH religion would, under the guidance of its sturdy priest, make its way and hold its own. At all events, after the bloody days of Jericho and Ai, he made a treaty with Gibeon, the great city (Josh. 9, 15; 10, 2), and the new policy was, for weal or for woe, initiated. History records that the Gibeonites became servants in the Temple and for the altar (Josh. 9, 27), and thus this first treaty was an auspicious beginning of the peace policy, a bloodless victory for JHVH, which might well inspire hope for the future.

While Joshua was thus reorganizing his city-states, he took care to provide that the national idea should be worthily represented. The *ohel-mo'ed*, the tent-temple of Israel, was instantly set up at Shiloh (Josh. 18, 1; Jer. 7, 12); there the tribes were gathered to attest their allegiance to the cause of JHVH; there abode the national priest. From thence and succeeding ecclesiastical capitals radiated the influences which were gradually to bring the city-states

into harmony with the Hebrew ideals of religion and government and were finally to transform the federation of small states into one unified kingdom for the north and another unified kingdom for the south.

These city-states (called for short, cities) each included at least one city, several towns and villages, together with fields, which were owned by the residents of the city and its dependencies. Under the policy adopted, these were not all Israelites, but a certain residue of the natives remained in their old homes.

These city-states all existed before the Hebrews arrived. Each had its king and his ministers, who ruled the little kingdom. The Hebrews at once abolished the kingly office and placed the government in the hands of a council, substantially representative in character. They did more. They established a national priesthood at Shiloh, whose office was to bring the law of the constituent city-states, or city-districts, into harmony with each other and with the national and religious customs and ideals of the Hebrew people. The difficulties in the way were enormous. A landless people were to learn that the military government of a camp was quite unadapted to the rule of the country they had conquered. They had to realize that local governments were necessary; that each of these had a center or quasi-capital, and that from these quasi-capitals (the fortified cities) would radiate opinions which had to be reckoned with. How well they learned the lesson the literature shows, since it indicates that the people's conception of the state was that it was an aggregation of cities, and that the word "cities of the land" became a mere term for the land itself.

Jephthah was buried in his native state of Gilead (precisely where we do not know), but the historian in stating this fact, simply says: Jephthah was buried in the "cities" (state) of Gilead (Judges 12, 7).

In the great civil war with the B'né-Benjamin the latter hastened to the *rendezvous* from the "cities" (Judges 20, 14); and when peace was restored they returned to their cities (Judges 21, 23). To hail the triumphant David the women came from all the "cities" of Israel (I Sam. 18, 6), and when Asa of Judah formed alliance with Benhadad of Damascus, the latter attacked the "cities" of Israel (I Kings 15, 20).

When David was arranging to be anointed King of Judah, he and his retinue settled in the Hebron "cities."

At the secession of Northern Israel under Jeroboam, the *B'né-Israel* that dwelt in the "cities" of Judah remained faithful to Rehoboam (I Kings 12, 17).

When in 722 B. C. Sargon overcame Israel, he settled foreigners in Samaria and they dwelt in its "cities" (II Kings 17, 24, 26).

When Josiah introduced his reforms, he put down the high places in the "cities" of Judah (II Kings 23, 5) and in the "cities" of Samaria (II Kings 23, 19).

Isaiah in his fortieth chapter addresses the nation as "cities" of Judah (Isai. 40, 9) and does the like in 44, 26.

Jeremiah does the same uniformly. "Publish against Jerusalem, that watchers come from a far country and give out their voice against the "cities" of Judah" (Jer. 4, 16).

"I shall cause to cease from the "cities" of Judah and from the streets of Jerusalem, the voice of mirth . . . , and the land shall be desolate" (Jer. 7, 34; 33, 10).

"I will make Jerusalem heaps and the "cities" of Judah desolate" (Jer. 9, 10 (11); 34, 22).

"The noise of the bruit is come to make the "cities" of Judah desolate" (Jer. 10, 22).

"Seest thou not what they do in the "cities" of Judah and in the streets of Jerusalem?" (Jer. 7, 17).

JHVH said unto me, Proclaim all these words in the "cities" of Judah and in the streets of Jerusalem" (Jer. 11, 6).

"Then shall the "cities" of Judah and inhabitants of Jerusalem go and cry unto the gods unto whom they offer incense" (Jer. 11, 12).

"JHVH, the God of Israel, saith unto me: Take the wine cup of this fury at my hand, and cause all the nations (*goyim*) to whom I send thee to drink it:

"Jerusalem and the "cities" of Judah and the kings thereof and the *sarim* thereof " (Jer. 25, 15. 18).

"Thus saith JHVH: Stand in the court of JHVH's house and speak to all the "cities" of Judah which come to worship in JHVH's house " (Jer. 26, 2).

"In the fifth year of Jehoiakim, the son of Josiah, king of Judah, in the ninth month, they proclaimed a *šom* (convocation, fast ?) before JHVH to all the people in Jerusalem, and to all the people that came from the "cities" of Judah to Jerusalem" (Jer. 36. 9).

"Go back also to Gedaliah, the son of Ahikam, the son of Shaphan, whom the king of Babylon hath made governor in the "cities" of Judah " (Jer. 40, 5).

Thus saith JHVH of hosts, the God of Israel: Ye have seen all the evil that I have brought upon Jerusalem and upon all the "cities" of Judah " (Jer. 44, 2).

"My fury and mine anger was poured forth and was kindled in the "cities" of Judah and in the streets of Jerusalem " (Jer. 44, 6. 17).

Ezekiel speaks of the land of Israel in the same fashion:

"The inhabitants of the "cities" of Israel shall go forth " (Ezek. 39, 9).

Zechariah characterizes the southern kingdom similarly:

"How long wilt thou withhold mercy on Jerusalem and from the "cities" of Judah " (Zech. 1, 12).

From the very beginning of the conquest this notion that the state is only a bundle of "cities" (city-districts) had taken root.

In reading the book of Joshua, one is struck with the fact that the number of cities awarded to the several tribes is so large that the territory represented by them and their dependencies practically covers the settled part of the country and is sufficient to contain the whole population. Reuben is credited with thirteen cities, whose names are given, and with a group without names but described as "all the cities of the plain" (Josh. 13, 17-21).

Gad has four cities named, plus "all the cities of Gilead" (Josh. 13, 30. 31).

Judah has one hundred and twelve cities and their villages (Josh. 15, 21-62).

Benjamin has twenty-six (Josh. 18, 12-28).

Zebulun twelve (Josh. 19, 15).

Issachar sixteen (Josh. 19, 22).

Asher twenty-two (Josh. 19, 30).

Naphtali nineteen (Josh. 19, 38).

Dan eighteen (Josh. 19, 41-47).

The number awarded to Western Manasseh and to Ephraim is not stated, but even without them and without the groups whose numbers are not given, there are more than three hundred cities, each having its dependencies and its outliers. "These cities were fenced with high walls, gates and bars" (Deut. 3, 5; 1, 28).

In time the idea of the state as "cities" was expressed even more significantly by the word *sha'ar*, which from meaning the gate of a fortified city, came to signify the court which was held at the gate, then the city itself, and finally all the dwelling places of the people everywhere (Exod. 20, 10; Deut. 5, 14; 6, 9; 11, 20; 12, 15. 17. 18; 14, 27; 15, 7; 16, 5. 11; 31, 12). Indeed, so extended had become the idea attached to the word that it was applied even to an encampment composed only of tents (Exod. 32, 26. 27).

The existence of these pre-Israelite city-states, and their persistence under the Hebrews as city-districts being assumed, it becomes important to ascertain what were their powers, their practical jurisdiction, before the conquest and after the conquest.

From pre-Hebraic times we have two examples, Shechem and Gibeon. Shechem lies in the valley between Ebal and Gerizim. It is to-day the sacred city of the Samaritan sectaries, the seat of the government of the province, and the connecting-link of the telegraphic systems of the east and west of Jordan. Its history extends back into remote antiquity. Abraham and Jacob visited it, and all Israel chose it for the inaugural service on taking possession of the Promised Land.

Gibeon, too, has its story. It was the first of the Palestinian cities to see that the country was doomed to

succumb to its Hebrew invaders. It possessed an early Hebrew temple (*bet-clohim*), in which adherents of the native religion agreed to serve JHVH; and it gave the final touch to the tragedy of Saul's career by its insistence on the law of blood-guilt for Nob's murdered priests, which culminated in the gruesome tenderness of Rizpah (II Sam. 21, 1-11).

Shechem, the Hivite, the son of the *nasi* of the city-state of Shechem, loved Jacob's daughter Dinah and began to treat with her people, the B'né Jacob, in order to arrange a marriage. The narrative indicates that up to that time there was no right of *connubium* between the two contracting powers. Such a right, general to both parties, was now proposed by Hamor, the *nasi* of the Hivites, coupled with the privilege of settling the country, dwelling and trading therein, acquiring lands and ultimately becoming one with the natives. The B'né Jacob insisted on certain indispensable terms, to which the *nasi* and his son were willing to agree. At this point it is seen that the *nasi* and his son had not the power to bind their people without obtaining the consent of the council.

Hamor and Shechem duly proposed the treaty at "the gate of their city," to the council there met, the *anshe ha-'ir*. The latter accepted the terms and the part to be performed by the Shechemites was duly carried out. The treaty, however, failed on account of the vengeful wrath of Simeon and Levi (Gen. 34, 8-27).

The second example of inter-national action by one of the pre-Hebraic city-states is the case of Gibeon. In Joshua's plan of campaign this place was marked out for early attack. Its capture would have had an enormous effect in depressing the spirit of the natives. It was the

capital city of an exceptionally important district, which included three other cities, besides the towns, villages, and fields dependent on and appurtenant to each of them. The king of the district had his royal court there; it was an *'ir-mclukah*. Its magnates showed their vigilance and ability. When they saw that the resistance of Jericho and Ai were merely futile and that Joshua had relentlessly punished those unfortunates, they determined that peace at any price was the wise policy.

The report (Josh. 9, 3-27) tells, in excellent narrative fashion, how the emissaries of the *sekenim* of Gibeon disguised themselves so as to appear to have come from a far country, how they entered Joshua's camp at Gilgal, how they declared that they had heard of the wonderful exodus from Egypt and of the great victories of Israel over Sihon and Og in Eastern Palestine (carefully concealing their knowledge of Joshua's late victories), and how their magnates (*sekenim* and *yoshebim*) (not a word about their *melek*) had urged that an alliance with the Hebrews was a desirable and necessary thing.

Captivated by these flattering tales, Joshua and his councillors omitted to consult the oracle, allowed themselves to be tricked into a treaty of alliance, and ratified it by the oaths of the *nesi'im* of the *'edah* (the twelve princes of the Privy Council of Israel).

A few days later the truth leaked out. The worn-out and weary wanderers lived close by,—in the cities of Gibeon and its dependencies, Kephirah, Beeroth, and Kiriath-jearim. The conquering host was naturally indignant at the deceit. The general assembly of Israel (*kol ha-'edah*) murmured at the lenity of the terms accorded, but the *nesi'im* had ratified the treaty, had given their word. Per-

sonal and national honor required that it should be faithfully carried out.

The incident of Gibeon left an abiding impression on the mind of the Hebrew people. The old narrative (Josh. 9, 23-27) records that Joshua, while adhering strictly to the terms of the treaty, found a means of punishing the Gibeonite magnates who had tricked him into it. He sentenced them to become hewers of wood and drawers of water for the *bet-elohim*. They were glad that things were no worse, and the story ends by telling that they at once took up their work which they continue to perform "even unto this day."

The city, however, retained its importance in the subsequent history of Israel. It is probable that Nob, where David, fleeing from Saul, was succored, was either one of the cities of the city-state of Gibeon, or perhaps was the name of the priests' quarter of the city itself (I Sam. 21, 1-9), just as the quarter of Jerusalem in which Huldah lived was called by its own name, the *Mishneh* (II Kings 22, 14; Zeph. 1, 10). The dreadful cruelty of Saul in slaughtering the priests for their innocent aid to David (I Sam. 22, 9-23) was long remembered. Indeed, it is recorded that in David's reign JHVH visited Israel with a famine, because this blood-guilt had been in no wise atoned for, and that in order to regain Divine favor, the Gibeonites were besought to accept compensation or wergild (*kopher*) for their murdered kinsmen, that they disdainfully spurned this offer, but finally consented to accept the death of seven sons of Saul in satisfaction of the whole blood-guilt (II Sam. 21, 1-10).

In the time of Solomon it was the great *bamah* (high place) whither Solomon went to make a great sacrificial feast and where he had the dream in which, asked by JHVH

what he wanted, he prayed for wisdom to do justice (I Kings 3, 4-15).

The story was finally amplified and embellished. The sacrosanct *ohel mo'ed* which Moses had made in the wilderness was supposed to have been set up at Gibeon (I Chron. 16, 39). Of course the legend was mere poetry. History establishes that the *ohel mo'ed* was at Shiloh (Josh. 18, 1. 8; 19, 51; 22, 12; Judges 21, 19).

These two instances in which city-states exercised the highest national functions, namely dealing with foreign powers, are both pre-Israelite. The absence of such examples in Hebrew times is persuasive evidence of the firmness with which the national idea had taken root. A remarkable feature in both cases is that the dominant power is ascribed to the council. The king or chief in the one case can do nothing by himself; in the other case he is not even mentioned. That this accurately represents pre-Israelite conditions is highly improbable. The abundance of kinglets to which we have before alluded, speaks loudly against it. Moreover, there is a hint in the story of Abimelech with relation to this same city-state of Shechem, which gives weight to the theory that the king had great power. Gideon, the chief of the clan of Abiezer, and the great man of Manasseh, died leaving seventy sons by his wives, and one son (Abimelech) by a Shechemite concubine. In the natural order of events a legitimate son would have succeeded to the chieftainship, under whose sway stood, among others, the ancient city-state of Shechem. That its great families should recall with regret the good old times before the Hebrew conquest, when the city-state of Shechem was an independent sovereignty, of which the city was the capital, was but natural. Now they owed allegiance

to the overlord, Manasseh's chief, whose capital was at Ophrah.

With the instincts of an able demagogue, Abimelech intrigued to fan the flame of Shechemite discontent by comparing the present tributary condition with the former independence. His chief assault was directed against the leading feature of Hebrew polity, the great council of seventy. He made it clear to the municipal council (*anshe Shechem*, *ba'ale Shechem*) that any of the legitimate heirs of Gideon would be faithful to this institution, and his spokesman summed up the argument in his favor by the question: Do you prefer to be ruled over by seventy or by one? It turned the tide; Shechem revolted, and its mag-nates enthroned Abimelech as king (Judges 9, 1-6).

One cannot read this story without suspecting that the accounts of pre-Israelite councils at Shechem and at Gibeon are deficient in not attributing to the kings of those states the power which was theirs under the ancient Constitutions. Nor is the omission to be wondered at. When the accounts were written, these numerous independent little kings had long disappeared and been forgotten. We know, too, that the knowledge of the early writers concerning the remote past was defective. You will recall the fact that at least one of the ancient scribes naively believed that before the institution of the Kingdom there was no law at all. To use his own quaintly simple words: "In those days there was no king in Israel; every man did that which was right in his own eyes" (Judges 17, 6; 21, 25).

Before leaving this subject of international dealings by pre-Israelite city-states, it may, for the sake of completeness, be well to allude to the negotiations between the B'né-Heth and Abraham. It is true that the narrative appears to

concern a larger nation than is included in a city-state, and that the council is not called *sekenim* nor *be'alim*, nor *anshe ha-'ir*, nor *zikne ha-'ir*, but has the larger title of *'am ha-areš*, which designates a national council. On the other hand, we know that the great Hittite empire was in the north, and that the section of it with which Abraham dealt must have been relatively small. Hebron was the capital, and in connection with this place there survives in the records one reminiscent note which seems to place it on a parity with Gibeon, which, as we have seen, was a larger city-state than ordinary, was, in fact, a league of cities.

When David believed that his time had come to obtain the chieftainship of Judah, he consulted the oracle, was affirmed in his belief and was directed to go to Hebron. He, together with all his train, went up and dwelt in the "cities" of Hebron (II Sam. 2, 1-3). This passage would seem to indicate that Hebron had been for long the capital of a larger city-state, composed of a league of cities with their appurtenant towns, villages, and fields.

When Sarah died at Hebron, Abraham desired to obtain a burying-place of his own. It would seem, that according to the customary law, an alien (*ger we-toshab*) could not acquire an indefeasible permanent estate in land. He therefore applied to the council for the grant of an exceptional privilege, enabling him to accomplish his purpose. He was recognized as an important power: "Thou art a *nesi elohim* (a prince of God) in our midst." Every one was willing to tender a burial-place for Sarah's body. But this was not what Abraham wished. He wanted a permanent estate (*ahuzzah*) and this the council finally accorded to him.

The proceedings were in public session of the council, were presided over by Ephron, and were highly polite and ceremonious. Abraham urged his request, the President answered, the matter was agreed on, and the treaty was solemnly consummated in the presence of the whole council (Gen. 23, 3-20).

Whether this Hittite example relates to one of these district-states, may remain doubtful, but the other instances that have been given are sufficient to show the sovereign character of these city-states, and to point out what radical changes were necessary, if they were ever to constitute a national federal republic.

An early example of the process is given us in the case of the city-state of Ophrah. It had fallen to the share of Manasseh, and the ruling clan of that tribe, Abiezer, was seated there. The chief was Joash, the head of the clan. From time immemorial the little state had had its Baal-altar with the *Asherah* pertaining to it. Word came through a *nabi* or *mal'ak* JHVH, that the worship of JHVH must now be substituted. To that end it was necessary to cast down the Baal altar, cut down the *Asherah*, and build an altar to JHVH on the height called *Rosh ha-ma'oz*.

The chieftain Joash had carried out the policy of conciliation all too well. Baal still reigned supreme in Ophrah and Joash lacked either the will or the force to strengthen the cause of the Hebrew nation and its religion.

The task of making good his delinquencies was imposed on his son Gideon. When the message came he received it with the usual profession of modesty which Hebrew writers attribute to those born to greatness: "My *cleph* (clan) is lowly in Manasseh and I am the pigmy in my *bct-ab*," just as Saul, when apprised of his selection as

King of Israel, protested: "Am not I a Benjamite, of the smallest of Israel's tribes? and is not my clan (*mish-pahah*) the puniest of all the clans of that tribe?" (I Sam. 9, 21). To Moses in the early age (Exod. 3, 11; 4, 10), and to Jeremiah in the later times (Jer. 1, 6), similar modest declaimers are credited. Gideon's scruples were, however, overcome, and he accepted the perilous post. Knowing that he would place himself in opposition to the authorities, whose chief was his own father, he determined to initiate the revolution at night. With the help of ten trusty men, he cast down the Baal altar, cut down the *Asherah*, and burned the wood thereof in offering an 'olah upon the JHVH altar which he built.

In the morning the city was in commotion. The *anshe ha-'ir* promptly viewed the situation, and the question ran: Who is guilty? Doubtless the oracle was in some form consulted (*wayebakeshu*) and the judgment was pronounced (*wayomru*): Gideon ben Joash has done this deed.

The *anshe ha-'ir* demanded of Joash that he surrender his son for execution.

This was in strict conformity with the law of the ancient city-state, which gave its authorities the power to vindicate the religion of the state. This old law survives in the records in Deut. 21, 18-21. It is the law commonly called that of the stubborn and rebellious son, which provides that the delinquent's parents shall bring him to the *sikne ha-'ir* at the gate (v. 19), and that the latter (*anshe ha-'ir*, v. 21) shall stone him. The details of the examination of this interesting and little-understood law are reserved for further consideration, when we come to review

the remnants of the *zikne ha-'ir* code still preserved in the Pentateuch.

In Gideon's case there was an additional reason for this demand upon his father Joash. The latter was not a mere member of the council, but its chief. In no other way can certain expressions of the text be properly construed. It is Joash who is custodian of Baal's altar; it is from his cattle that the JHVH sacrifice is culled; it is his opposition to the JHVH altar that is feared, and it is in subordination to him that the other members of the *anshe ha-'ir* stand (act or serve) (*'amdu 'alaw*), just as *ha-'am* stood in the court of Moses (*waya'amod ha-'am 'al Moshch*) (Exod. 18, 13), as Eglon's court councillors stood with him (*kol ha-'omdim 'alaw*) (Judges 3, 19), and as the angels in the court of Heaven stood to JHVH's right and left (*'omed 'alaw*) (I Kings 22, 19).

Joash met his fellow councillors with a flat denunciation of their action. This, he said, is a contest between gods. Baal has been worsted. He could not save himself, will your aid save him? Beware, the mighty power that overthrew Baal will punish your puny efforts with instant death, and will save my son from any harm that Baal can do.

The council acquiesced and Gideon became the chief with the epithet of *Jerub-baal* attached to his name, in memory of his victory over the deposed god (Judges 6, 8. 11. 24-32).

We see here the nation in the making. It adopts the city-state without its king, but gives the power to the council, which in this instance assumes to act as the highest ecclesiastical authority, doubtless in strict accord with pre-Israelite practice. Every autonomous district had its own

king and its own god, and the sovereign authority was not differentiated into military and civil jurisdiction, nor subdivided into legislative, executive, and judicial function. The genius of the people was local and its outlook narrow. There were then, as now, ambitious souls dreaming of world-conquest, but they lived in Egypt and by the Euphrates and not in Palestine. The entrance of the Hebrews into the country brought a rush of new ideas, political and religious. Palestine was to become one great state with one only God. Local sovereignties and religions were to be extirpated, or at least fused with institutions embodying these loftier conceptions.

We have seen in the case of Gideon how this national spirit made its way in one quarter. There is no reason to doubt that the movement throughout the whole country was conducted on similar lines. The presence and vigor of a national supervising body being granted, all the rest naturally follows.

Indeed, it is Gideon himself who energetically promotes the further progress of nationalization.

As this phase of his career brings out clearly the functions of the *zikhne ha-'ir* of two cities east of Jordan in Hebrew times, further description thereof may conveniently be reserved for the next lecture.

III

Gideon, the champion of JHVH, was the chief man in Manasseh. He had attained a recognized position by his brave advocacy of Hebrew nationalism against the conservative pagan party, but the success of the cause was as yet doubtful.

An event occurred which put the matter to the proof.

The Bedouins overran the country, and if anything was to be saved from these mauraunders prompt action was imperatively needed. Gideon aroused his Abiezer clan. With three hundred picked men, shouting their way-cry, "The sword of JHVH and of Gideon," he attacked and routed the invaders, drove the survivors across Jordan, and hotly pursued them. When he reached the city of Succoth, in Gilead, his supplies failed. He applied to the council (*anshe Succoth*) for bread for his soldiers, as he was pursuing the Bedouin kings and hoped to capture them. The *sare Succoth*, however, reckoned that he might fail, and in that case they would have to suffer the vengeance of the Bedouins. Their reply, indicating the probability of such an event, irritated the fiery chieftain. He retorted with the ominous parting message: When JHVH hath delivered Zebah and Zalmuna into my hand, I will treat your flesh with *midbar*-thorns and with briers. Abating nothing of the pursuit, he reached the city of Penuel and there made his application for relief. The *anshe Penuel*, timid like those of Succoth, gave him a flat refusal. The infuriated Gideon threatened to revisit them after he should have triumphed, and to break down their tower (*migdal*).

Gideon overtook the fleeing enemy, won a complete victory, overthrew the retreating army, and captured its kings.

On his return march he punished the cities which had treated him so coldly and unpatriotically. Having picked up a man in the neighborhood of the city of Succoth, he ascertained, by questioning, that his prisoner was a clerk (*na'ar*) of the city council (*anshe Succoth*). Whereupon, he compelled him to write a roll or list of the *sarim* and

zekanim of Succoth. There were seventy-seven in all (perhaps seventy *zekanim* and seven *sarim*).

Thus prepared, he entered the city in triumph, carrying with him the captive kings. Then he compelled the council to meet and addressed them thus: Here are the kings whom you thought I could not capture. You are entitled to the promised reward!

Whereupon he took the *sikne ha-'ir* and thrashed them soundly with *midbar*-thorns and with briers.

Penuel fared even worse. He broke down its tower and slew the members of its council (*anshe ha-'ir*) (Judges 7, 7. 22; 8, 4-17).

These two incidents give us a vivid picture of the times. Succoth and Penuel, two cities of eastern Palestine, are governed by *zekanim* and their officials (*sarim*). They regard alone the interests of their narrow communities. The harrying of Manasseh and other districts west of Jordan does not disturb them. If the Bedouins confine their marauding to western districts, they will remain neutral. The national consciousness has not affected them. In Gideon, however, they met the man who could give impressive lessons.

Of all the chieftains called Judges (*shophetim*), Gideon appears to have been the most forceful, and to have given the earliest and greatest impulsion to the unification and nationalization of Israel. Besides his actions already described, the records aver that he succeeded in getting partisans out of Naphtali, Asher, and Ephraim to act with Manasseh in war (Judges 7. 23. 24), and the fact that his battle-cry survived, indicates how deep an impression of him was stamped on the popular mind.

It is plainly erroneous to see in these military leaders the peaceful magistrates known by the same name in later times. The experience of Israel was the same as that of all other peoples whose rise depended on the success of their arms. The great soldiers wielded the whole power of the state, and when more peaceful times came and the balance of power swung to the civil side, the names of the offices which had become important in the eyes of the people, were transferred to purely civil offices, with radically different functions. Thus it is that the *melck*, *shophet*, *dayan*, *mehokek*, and *sopher*, who, were, of old, military officers, came to designate officials whose duties were mainly civil. *Ha-'am*, which was anciently the army (that is, all males between the ages of twenty and fifty) became the whole body of the people. And of the process the word *shophetim* is perhaps the most striking instance. In Numbers (ch. 25) we have the record of Israel's unwholesome affiliation with Moab. Drastic measures had to be resorted to, in order to cure the mischief. Moses was expressly enjoined by JHVH, to take all the chieftains (*rashe ha-'am*) and hang them, whereupon he ordered the *shophetim* to slay each one such of his men as had accepted Baal Peor. This was an order merely military to the Provost-marshals of the army, whose duty it was to execute the culprits (Numb. 25, 1-5). When the contest had progressed and the people were fighting for the land, conquering it and settling down on it piecemeal as they could, these *shophetim* as military chiefs had forced upon them questions relating to the civil government of the territory they commanded. Thus the name of their office was preserved, while its jurisdiction and functions were modified. Finally, at a much later stage, it came to designate civil judges charged with the

administration of justice according to law, and thus lost its military connotations.

The records of the *shophetim* book show the process from an early stage. From Othniel, the first of them, to Samson, the last, they were all (so far as we know anything about them) successful warriors; even Deborah is not excepted, since she stirred up the great war against Sisera and took a personal part in it. It is only with Eli and Samuel that the atmosphere changes. The former, when we first encounter him, is a priest, grown old in the service of the Shiloh temple, while the latter begins as his acolyte. War, instead of being the normal condition, has degenerated into an incident, not unusual it is true, but also not abnormally frequent. The ecclesiastical jurisdiction has become firmly fixed, and men are questioning and criticizing its administration by particular officials as a corrupt departure from ancient custom (I Sam. 2, 13-17). All the symptoms indicate that the nation has been practically united, and that the national idea of God and the state have permeated everywhere. Elkanah went up out of his city yearly to worship and to sacrifice at Shiloh (I Sam. 1, 3), and we may freely accept him as a type. Substantial farmers from all sections of the country did the same (I Sam. 2, 14). "And all Israel from Dan even to Beersheba knew that Samuel was established to be a prophet of JHVH" (I Sam. 3, 20).

While it is true that we cannot trace the progress of nationalization before Eli, we may be sure that Gideon's part in it was not small. The tradition survived that a national assembly of Israel (*kol ish Israel*) offered him the royal crown, with the right of succession in his descendants (Judges 8, 22), and that he made his home-city Ophrah the virtual or actual capital of Israel (Judges 8, 27).

There is another chief, Jephthah, who is said to have been *shophet* of Israel (Judges 12, 7). Of his activity outside of his own Gilead, we know little or nothing. His story merely emphasizes the separateness of the trans-Jordanic Hebrews, which incensed Gideon and which was pithily depicted in the song of Deborah: "Reuben abode among his sheepfolds. Gilead abode beyond Jordan" (Judges 5, 16, 17). The blame for this condition must not attach to the Eastern Hebrew alone. When Gilead was threatened, it applied for help to Ephraim in vain (Judges 12, 2), and so bitter was the feeling that it led to war between Ephraim and Gilead (Judges 12, 4-6).

Jephthah's career is interesting, however, for our point of view. He is the *rosh* and *kāšin* of the "cities" of Gilead, and he became so by the independent action of that league of cities. The narrative is full and complete.

The *B'né-Ammon*, a non-Hebrew people dwelling in Eastern Palestine, suddenly put an army in motion against Gilead. The case was desperate and the *zeķenim* of Gilead bethought themselves of Jephthah as a desirable leader. He, a native of the land, the son of a princely father, had been exiled at the instance of his brethren, who claimed the superior rights of legitimacy. He had taken up his abode in the land of Tob, whither traveled a delegation of the *zeķenim* of Gilead to fetch him home. They said to him: Come home and we will make you the head of the army. He made difficulties, reminded them of their former hostility. They increased their offer, would make him first of all the lords of the land (*rosh l'kol yoshbe Gilcad*). He demanded an oath that they would not forget the promise after the victory. They took it by the solemn formula: JHVH be the witness (*shome'a*) between us! Whereupon

he accompanied them and was made *rosh* and *kašin*, the duties of which offices he formally assumed *liphne* JHVH at Mizpeh.

We have here an instance in Hebrew times of a city-state exercising, apparently without limitation or restraint, as complete powers of sovereignty as it would have enjoyed in pre-Israelite days. It is threatened by a foreign power, which "made war against Israel," as the record has it (Judges 11, 4). No part of Israel, however, seems to act except the *sekenim* of Gilead, who send to fetch Jephthah home from his exile, and promise to make him their chief (*rosh*). He enters into a solemn bargain with them *liphne* JHVH, and, in consequence, assumes command in the manner of a king owing allegiance to nobody. He applies for aid to Ephraim as a friendly though foreign power, is refused on the ground that he does not acknowledge allegiance to it, the claim being made that the Gileadites were Ephraimite fugitives (Judges 12, 4). He resents the claim, wages war against Ephraim, and demonstrates the latter's foreignness by showing that no Ephraimite could pronounce a *shin* as a true Gileadite would (Judges 12, 6).

In short, we have here a picture of a pre-Israelite city-state with its king; the only difference being that the king has another title and that JHVH is acknowledged as God.

These concessions to national feeling must, however, not be overrated. They show that the federal unity, though not established, had made a start. Even then the influence of Shiloh must have been at work. Indeed, the old tradition ran that it was from Shiloh that Gilead had started to take possession of its country (Josh. 22, 9), and when all

Israel declared war against Benjamin, Gilead sent its contingent (Judges 20, 1), only one of its cities holding aloof.

There is another and later example of the exercise of sovereign power by one of the cities east of Jordan. That city was Jabesh-Gilead (Judges 21, 9). When the Federal council declared war against Benjamin, it was the city that refused to send its quota to the army, though the other cities of Gilead did so. The result of the war was the almost complete ruin of Benjamin; only six hundred of its young braves survived (Judges 20, 47). The Federal council, dismayed at the extinction of a tribe, cast about for a method of rehabilitating it. They had all sworn not to give their daughters to Benjamites. The only resource was to find women of Israel whose fathers had kept aloof from the Federal army and from the oath. On roll-call it was found that there was no one present from Jabesh-Gilead. The disaffected city was summarily convicted of high treason to the Federal cause and the total destruction of its inhabitants other than young virgins was decreed. An expedition was immediately fitted out, the city was taken, and its inhabitants were killed, save four hundred young virgins who were given to Benjamites for wives.

Another narrative (found in Samuel) gives a clue to the true meaning of this incident. The tradition evidently ran in Israel that Jabesh had maintained a relation of alliance with the Ammonites and that this caused its refusal to join the body of Israel.

After the war of the tribes against it, the revived city of Jabesh was incorporated into the Federal Union. So only does the narrative in I Samuel 11 become intelligible. It is there related that Nahash (the king of the Ammonites) encamped against Jabesh-Gilead, evidently because it had

fallen off, and that the *anshe Jabesh* promptly offered to renew their allegiance. This he arrogantly refused, unless they would submit to have their right eyes thrust out as a reproach and defiance to united Israel. The vindictive nature of this demand must be ascribed to the transfer by the same city council of the city's allegiance from Ammon to Israel, for which desertion signal punishment was necessary. The *zikhne Jabesh* demanded a respite of seven days to communicate this defiance to Israel and to receive help from it. This Nahash magnanimously granted. The *zikhne Jabesh* sent messengers to the council (*kol ha-'am*) of Gibeah, who broke into weeping at the tidings. When Saul, returned from his day's business in the field, learned the cause of the confusion, he promptly called for Federal troops to aid the distressed city, and bade the messengers return home with the assurance that help was at hand. The *anshe Jabesh* received the news with enthusiasm. In due time Saul arrived and defeated the Ammonites. His signal victory silenced all opposition as well to the Federal union as to his Kingship, and his enthronement in the Western kingdom was now affirmed and celebrated in the East-Jordanic territory at Gilgal, an event which greatly rejoiced Samuel and the Federal Council (*kol anshe Israel*) (I Sam. 11, 1-15).

The value of the narrative is in its indication that the Jordan marked as well the political as the physical separateness of the East and West. When stubborn old Jabesh was at last convinced that a Federal union of all Israel was inevitable, the work was finished. Even then it did not accept the western king as the legal head of the state until he had been crowned in the East.

The examples of Succoth, of Penuel, of Gilead show that as regards political power the early Hebrew city-states that lay to the East of Jordan seem to have exercised it without restraint or control.

The instance of Ophrah shows that the same was true of the Western city-states' ecclesiastical power.

Even so late as the time of Samuel we find remnants of it in the West. When the Ark of JHVH was cast adrift by the Philistines and landed at Beth-Shemesh, the *anshe Bet-shemesh* assumed official control over it and offered 'olot and zebaḥim (I Sam. 6, 15), and when its presence brought calamity, the *anshe Bet-shemesh* sent messengers to Kiriath-jearim, to induce that city to take charge of the holy relic. The latter fetched it and sanctified (*kiddeshu*) a young man to guard it. And to the last, after the federal union had been established for ages, and the ecclesiastical power had become nationalized, the priest-cities retained the ecclesiastical powers of the old city-states. This we learn from the action of the Anathoth council against Jeremiah. Anathoth was a priest-city at least as early as the time of Solomon. When Abiathar fell from the latter's favor, he was ordered to go into retirement on his estate at Anathoth (I Kings 2, 26).

Jeremiah belonged to it by birth (Jer. 1, 1), being "of the *kohanim* that were in Anathoth." When he began to take his own course, the *anshe* Anathoth ordered him to desist, claiming the right to condemn and execute him if he disobeyed (Jer. 11, 21).

One other important survival of the old city-state sovereignty was the importance in the public life of the state of the capital cities of the two kingdoms. Jeremiah, than whom none was more familiar with political conditions,

addresses the state as "men (*ish*) of Judah and inhabitants (*yoshbe*) of Jerusalem" (Jer. 4, 4: 17, 25; 7, 17. 34; 8, 1, etc., etc.), always mentioning the capital city in a manner indicating that it possessed and exercised special powers.

A similar phenomenon is observable in the Northern Kingdom. When Jehu had killed Ahab and was about to destroy the scions of that house, root and branch, he mockingly dared the *sarim* and *zeknim* of Jezreel to enthrone one of Ahab's sons (II Kings 10, 1-3), a sorry jest, indicating, however, that the council of that city had special political powers not shared by the other cities of the kingdom.

So Jezebel, when she intrigued to put Naboth on trial for blasphemy and lèse-majesty, gave the directions to the *zeknim* and the *sarim* of Jezreel, fellow-councillors with Naboth (I Kings 21, 8), to convoke the high court of the nation, the *rosh ha-'am* (21, 12), in which they must have had a specially influential position.

That these city-councils exercised ordinary municipal functions was a matter of course. When distinguished strangers came to the city, the council received and entertained them.

Samuel, for instance, visited Bethlehem for an important purpose, which was not publicly known. The *zikhne ha-'ir* cordially met and welcomed him (I Sam. 16, 4). It may be well to note here that the Authorized Version which makes the *zeknim* tremble at Samuel's coming is based on a misunderstanding of the word *wayeherdu*, which besides trembling means also being extremely hospitable. Thus Elisha, in acknowledging the anxious hospitality of the great lady of Shunem, calls it *haradah* (II Kings 4, 13).

When King Josiah visited Bethel he was attended by the *anshe ha-'ir*, who promptly gave him the information he was seeking (II Kings 23, 17). And when the water supply of Jericho was defective, the *anshe ha-'ir* requested Elisha to improve its quality (II Kings 2, 19).

Besides their political, ecclesiastical, and municipal functions, the *zikhne ha-'ir* exercised general judicial powers. They tried murder cases, and if the murderer fled to a city of refuge, they could demand and obtain his extradition for the purpose of handing him over to the executioner (*go'el ha-dam*) (Deut. 19, 12). If the murderer could not be discovered they washed the city's hands of "innocent blood" by a ceremony and a sacrifice, and thus removed the blood-guilt which would otherwise have attached to the city. If the murderer of the victim, whose dead body was found in a field, could not be discovered, it was the duty of the *zikhne ha-'ir* to see to it that the blood-guilt should not be fastened on their own city, unless, by careful measurement, it should be ascertained that it was nearer than any other city to the place where the body lay (Deut. 21, 1-9).

The *zikhne ha-'ir* also had jurisdiction in certain delicate matrimonial questions involving not only amercements and other penalties, but extending also to capital punishment (Deut. 22, 13-21).

Indeed, it is probable that the twenty-first and twenty-second chapters of Deuteronomy were compiled from a code defining the powers of the *zikhne ha-'ir*, and that certain provisions contained in those chapters were part of such code, although the *zikhne ha-'ir* are not mentioned in con-

nection with them. Such is particularly the direction to build battlements for the roofs of houses (Deut. 22, 9). The distinction between a criminal act perpetrated within the city, and a similar act perpetrated in the field (Deut. 22, 23-27) may also be derived from that code.

The evidence seems sufficient to warrant the conclusion that these councils (the *anshe ha-'ir*, the *zikhne ha-'ir*) combined the full judicial power with their other functions, and that the administration of justice was not confided to a special class of experts learned in the law until a much later period. When this change came about is matter for future investigation. That it had to come is perfectly plain.

The country was composed of a large number of cantons, called "cities." The aim was to create a nation. A clash between the "cantonal" view and the "federal" view was inevitable. It resulted at first in the endeavor to bring the cantonal bodies to take national positions on questions coming before them by sending a federal expert or experts to advise them or to sit with them, and finally, in the establishment of the federal courts, which should in certain federal questions be supreme.

There are certain passages, obscure it is true, but nevertheless significant, which warrant these conclusions. We have already referred to the case of a murdered man being found in a field, and of the necessity of ascertaining which was the nearest city, since upon it the blood-guilt would be fastened. Finally the *zikhne ha-'ir* of those cities met each other for the purpose, and, it is safe to say, squabbles followed. Afterward we find that the *kohanim* (the *B'ne Levi*) join them, and the explanatory note following this statement gives as a reason for the apparent

intrusion that "JHVH thy God hath chosen them to minister unto him and to bless in the name of JHVH; and by their word shall every controversy (*rib*) and every assault (*nega'*) be tried" (Deut. 21, 5). That these *kohanim* (*B'né Levi*) were the delegates of the federal government can scarcely be doubted.

Concerning the establishment of a federal court and the removal thereto of an inter-cantonal question, we also have evidence. By the old *zikne ha-'ir* law, if a murderer fled the jurisdiction and was admitted to an asylum city by its *zikne ha-'ir*, the *zikne ha-'ir* of the city where the crime had been committed demanded his extradition for execution by the *go'el ha-dam* (Deut. 19, 12). As his admission to the asylum city was not granted until his application had been passed upon by the *zikne ha-'ir* of the asylum city (Josh. 20, 4), there was virtually a judgment in his favor that the murder was mere manslaughter. The demand for extradition necessarily attacked this judgment. The old law (Deut. 19, 12) nevertheless required his surrender. The inter-cantonal controversies thus arising were therefore removed to the federal court. The *zikne ha-'ir* of the asylum city were forbidden to surrender the fugitive on the demand of his home city (through the *go'el ha-dam*) (Josh. 20, 5) and the national court, the *'edah*, acquired jurisdiction. "The *'edah* shall judge between the slayer and the *go'el ha-dam*." If it affirmed the judgment of the *zikne ha-'ir* of the asylum city, it (the *'edah*) restored the defendant to it (Numb. 35, 24, 25; Josh. 20, 6).

There were, however, two classes of cases over which the old *zikne ha-'ir* had jurisdiction which in importance far overshadowed all others. In the contest to establish JHVH as the sole God of the nation, the most dangerous

crime was missionary apostasy, the misleading of men to revert to the old paganism. This crime was technically known as *sarah* or *dibber s-a-r-a-h*, and the federal authorities deemed its suppression vital to the existence of the commonwealth.

In the endeavor to establish a state of prosperous agriculturists among whom there should be no extreme poverty, the land-laws were of the first importance. That every family could have and retain its own farm and its own home was the ideal of the federal statesmen.

The jurisdiction of the cantonal tribunals was unfavorable to the achievement of either of these purposes.

We have already seen in the trial of Gideon for overthrowing the Baal altar, that the *zikne ha-'ir*, instead of striving to promote the cause of JHVH, stood by the old pre-Israelite cantonal god; that they looked upon Gideon, who had enlisted others in his cause, as guilty of *s-a-r-a-h*, the offence being committed not against JHVH, but against Baal. It was also intimated that the proceedings of the *zikne ha-'ir*, including their demand on Joash to produce Gideon for execution, were by virtue of an ancient *zikne ha-'ir* law which survives in the Pentateuch (Deut. 21, 18-21).

The wording is: "If a man have a *ben sorer u-moreh*, who will not obey the voice of his father, or the voice of his mother, and that, when they have chastened him, will not hearken unto them:

"Then shall his father and his mother lay hold on him, and bring him out unto the elders of his city and unto the gate of his place. And they shall say unto the elders of his city: This our son is *sorer u-moreh*, and he will not obey our voice; he is a glutton (*solel*) and a drunkard

(*sobe*), and *kol anshe 'iro* shall stone him with stones that he die."

At first blush there would seem to be nothing in this law to justify the view that it is leveled against apostasy. A more careful examination, however, reveals certain facts which cannot be ignored. The first of them is that the law contains inconsistent definitions of the crime. The term *ben sorer u-moreh* itself was probably intelligible to everybody. Yet we have the following definitions:

1. Who will not obey the voice of his father or his mother.

2. The same with this qualification:

"After they have chastised him."

3. He is a glutton and a drunkard (*zolel we-sobe*).

Stripping it of these excrescences, we have the original form:

"If a man have a *ben sorer u-moreh*, his father and his mother shall lay hold on him and bring him out to the elders of his city and *kol anshe 'iro* shall stone him to death."

That the definitions are excrescences seems very plain. That a son should honor his parents is a mere commonplace. Indeed, by a very ancient Hebrew law, insulting parents was probably punished with death, "condemned to death (*arur*) shall be he who degrades (or insults) his father or his mother," (Deut. 27, 16). Certain it is that cursing them (Exod. 21, 17; Lev. 20, 9; Prov. 20, 20), or striking them (Exod. 21, 15) were both capital crimes. These provisions were amply sufficient to protect the parental dignity, and one may well be puzzled to determine why mere disobedi-

ence or eating too much, or drinking too much, should be made capital offences in a son not too old to be whipped by his father or his mother. Without the definitions, however, no one would translate *ben sorer u-moreh*, "stubborn and rebellious son."

The clue to the real meaning is to be found in this crime of *s-a-r-a-h* which we are considering. *Sorer* is one guilty of apostasy, and *moreh* means that he is aggressive in teaching his rebellion. There is no reason for translating *moreh* otherwise than according to its plain meaning of "teacher." Accordingly, a *sorer u-moreh* is an apostate who teaches apostasy.

The word "*sorer*" characterizes idolaters in many instances (Isai. 65, 2-7; Jer. 5, 23; Hos. 4, 15, 16; 9, 1-15) and in one passage Isaiah (30, 1) calls a company of men, rebels to true national policy, *banim sorerim*.

And so *moreh*. Isaiah denounces the misleading *nabi* as a *moreh sheker* (Isai. 9, 14). Habakkuk applies the same term to the man who trusts in his molten images for guidance (Hab. 2, 18, 19), and Proverbs declares that a man of Belial teaches wickedness (*moreh*) with his fingers (Prov. 6, 12, 13).

Indeed, the terms *sorer* and *moreh* naturally go together, because the *sorer* is one who seeks to convert others by argument. He speaks *sarah* (*dibber sarah*, Deut. 13, 6 (5)).

The *nabi* Hananiah is doomed to die within the year because he had spoken *sarah* (Jer. 28, 16), and the same expression is used of Shemaiah the Nehelamite (Jer. 29, 32).

As to gluttons and drunkards, no one dreams of their being liable to capital punishment. The proverbial philos-

ophy speaks of them much as we would in our day: The *sobe* and *zolel* come to poverty (Prov. 23, 20. 21); whoso consorts with *zolelim* shameth his father (Prov. 28, 7).

The meaning of the law thus ascertained makes clear its application to the case of Gideon at Ophrah. Gideon having been adjudged *sorer u-morch*, it becomes his father's duty to deliver him to the *anshe ha-'ir* for execution. We need not rely on mere inference, however, for this conclusion. It happens that the offence of teaching *s-a-r-a-h* (*dibber s-a-r-a-h*) is fully treated of in a later statute, when the right to try it had been transferred to a Federal court (*kol ha-'am*), and this statute is express in demanding that a man must denounce not only his son, but his brother, his daughter, his wife, or his bosom friend, if they have committed this offence, and must also, as such denunciator, assist at the execution.

The words of this remarkable law are as follows:

"If there arise among you a *nabi* (prophet) or a dreamer of dreams, and giveth thee a sign or a wonder" (Deut. 13, 2 (1)).

"And the sign or the wonder come to pass, whereof he spake unto thee, saying, Let us go after other gods, which thou hast not known, and let us serve them" (13, 3 (2)).

"That *nabi* and dreamer of dreams shall be put to death because he hath spoken *sarah* (*dibber sarah*) against JHVH your God.... to thrust thee out of the way which JHVH thy God commanded thee to walk in" (13, 6 (5)).

"If thy brother, the son of thy mother, or thy son, or thy daughter, or the wife of thy bosom, or thy friend,

which is as thine own soul, entice thee secretly, saying, Let us go and serve other gods, which thou hast not known, thou nor thy fathers" (13, 7 (6));

"Namely, of the gods of the people which are round about you, nigh unto thee, or far off from thee, from the one end of the earth even unto the other end of the earth" (13, 8 (7));

"Thou shalt not consent unto him, nor hearken unto him; neither shall thine eye pity him, neither shalt thou spare, neither shalt thou conceal him" (13, 9 (8)).

"Thou shalt inform upon him that he may be tried and executed; thine hand shall be first upon him at the execution and afterwards the hand of *kol ha-'am*" (13, 10 (9)).

"Thou shalt stone him that he die " (Deut. 13, 11 (10)).

And there is a fragment of even an older law of *s-a-r-a-h* which seems to have been enacted when the trial was still by oracle, and to have been amended from time to time as the jurisdiction was vested first in the *kohanim* and at a later period in the *shophetim*. In the trial by oracle, there was merely the evidence of the denunciator. This consisted in a solemn statement of the charge to the oracle-priest, through whom the oracle then communicated the judgment. As the crime of *s-a-r-a-h* was not complete unless the accused had spoken words of persuasion to others, the denunciator was called *shomca'* (hearer) (Lev. 24, 14) which, in later times designated the righteous witness in contrast with the perjurer (Pro. 21, 28). In other matters where the transaction was a visible one, the oracle-witness was called *ro'eh* (seer) (Exod. 22, 9 (10)) a word which finally came to mean *spy* (II Sam 15, 27).

When the system was changed and the *kohanim* tried the case without the oracle, the mere denunciator disappeared and in his stead the true witness ('*ed*') emerged. It would appear that originally, the requisite evidence against the defendant being given, the court had no option but to give judgment. In such a state of the law, where positive and direct evidence of a person who had heard or seen was alone admissible, the defendant's position was very perilous.

It was then enacted that in cases of *s-a-r-a-h* the defendant could halt the decision by impeaching the witness of perjury. The new supplemental issue thus framed was originally tried by the oracle (*liphne JHVH*). As this mode of trial had for the main issue been superseded, it could not have lasted long for the supplemental issue. Accordingly, we find the words *liphne JHVH* as the mode of trial supplemented by the words *liphne ha-kohanim*, which indicate that the priests themselves now tried the whole question. Afterwards, when the system of regular courts (*shophetim*) was introduced to replace the *kohanim* courts, the judges tried the whole question. If the witness was acquitted of the perjury, the defendant in *s-a-r-a-h* suffered death, but if he was convicted, the defendant was acquitted and the perjurer suffered the death by stoning which he had cruelly and wickedly designed to inflict on the innocent defendant.

This remarkable statute is as follows:

"If a false witness rise up against any man to accuse him of *sarah* (apostasy)" (Deut. 19, 16).

"Then both the men between whom the controversy (*rib*) is shall stand *liphne JHVH* (i. e. before the *kohanim*

and the *shophetim*) which shall be in those days)" (Deut. 19, 17).

"And the *shophetim* shall make diligent inquisition: and behold if the witness be a false witness and hath testified falsely against his brother (19, 18);

"Then shall ye do unto him, as he had thought to have done unto his brother" (19, 19).

"Thine eye shall not pity, life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot" (19, 21).

The text of this law presents many difficulties, due, doubtless, to the fact that in it was incorporated an important later amendment, which provided that in certain cases the evidence of one witness should thereafter be insufficient (Deut. 19, 15), and to the further fact that the principle established by imposing the death penalty on false witnesses in *s-a-r-a-h* was afterwards expanded into a general principle affecting false witnesses in cases of murder and assault (Deut. 19, 21), in some of which the penalty was less severe. Nevertheless, a careful scrutiny of the text will show that the tribunal designated in its original form (i. e. the oracle) was changed first to *kohanim* and afterwards to *shopetim*, the notes of such change having in time been transferred from the margin to the text itself.

This subject of *s-a-r-a-h* ought not to be dismissed without at least mentioning a series of other legal provisions intended to carry into effect the general policy which produced the *s-a-r-a-h* law.

"He that sacrificeth unto any god, save unto JHVH only, shall be put to death" (*yaḥoram*) (Exod. 22, 19 (20)).

"Thou shalt say to the B'né-Israel, whoever he be of the *B'né-Israel* or of the *ger* that sojourn in Israel, that

giveth any of his seed to Moloch; he shall be put to death; the '*am ha-areş* shall stone him" (Lev. 20, 2).

"And if the '*am ha-areş* do anyways hide their eyes from the man, when he giveth of his seed to Moloch and put him not to death" (Lev. 20, 4).

"Then I shall set my face against that man and against his family and will cut him off and all that follow his practice to worship Moloch, from among his people" (Lev. 20, 5).

"If there be found among you, within any of thy *shc'arim* (gates, cities), which JHVH thy God giveth thee, man or woman that hath wrought wickedness in the sight of JHVH thy God, in transgressing his covenant" (Deut. 17, 2).

"And hath gone and served other gods and worshiped them, either the sun, or moon, or any of the host of heaven, which I have not commanded" (Deut. 17, 3).

"And it be told thee and thou hast heard (the *shomea'*) and enquired diligently and behold it be true and the thing certain, that such abomination is wrought in Israel" (Deut. 17, 4).

"Then thou shalt bring forth that man or that woman which have committed that wicked thing, unto thy gates, even that man or that woman, and shalt stone them until they die" (Deut. 17, 5).

"At the mouth of two witnesses (*'edim*) or three witnesses shall the convict (*ha-met*) be put to death; at the mouth of one witness he shall not be put to death" (Deut. 17, 6).

"The hands of the witnesses shall be first upon him to put him to death, and afterwards the hands of *kol ha-'am*" (Deut. 17, 7).

"The *nabi* (prophet) which shall presume to speak a word in my name, which I have not commanded him to speak, or that shall speak in the name of other gods, that *nabi* shall die (Deut. 18, 20).

Noteworthy in this series of laws are the following points, all relating to the proceedings in the Federal courts:

a. In Exod. 22, 19 (20) the word *yahoram* is used to mean "shall be put to death." It probably indicates the form of death sentence pronounced by the *kohanim*, during their judicial pre-eminence.

b. In Lev. 20, 2 the '*am ha-areš* is the Federal trial court.

c. In Lev. 20, 4 the '*am ha-areš* is impliedly reproached for lenity towards Moloch-worshippers.

d. In Deut. 17, 7, too, the '*am* is the trial court.

In connection with this whole subject, it will be interesting to note a reported case where the death-penalty was inflicted, which case, according to ancient Hebrew practice, at once became a binding precedent and was restated in statutory form.

It is the case of a man who was the son of a Hebrew woman by an Egyptian. He was charged with having blasphemed the *shem* (a kind of *s-a-r-a-h*), being the public reviling of the Ark of the Covenant, the visible power in the oracle tribunal, which was called *shem* (Exod. 20, 7; Num. 6, 27; Deut. 5, 11; II Sam. 6, 2; I Kings 8, 16, 29; 9, 3; 11, 36; II Kings 21, 4, 7; 23, 27; I Chr. 13, 6; II Chr. 6, 5, 6; 7, 20; 20, 8, 9; 33, 4, 7).

There was no doubt that the offence, if committed by a Hebrew, was punishable with death, but the question was raised whether one of the half-blood was subject to the

same penalty. The decision was that though not a pure Hebrew, he came within the class of *gerim* and that *gerim* were liable in the same manner as Hebrews.

Hence the wording of the statute:

"Whosoever curseth (*yekallel*) his God shall bear his sin, and he that blasphemeth the *shem* of JHVH shall surely be put to death; *kol ha-'edah* shall stone him,—as well the *ger* as the *ezrah*" (Lev. 24, 15. 16).

The report of the case presents other points of interest. It establishes that the jurisdiction had already vested in the Federal tribunal (*kol ha-'edah*), but that when a case came up for which there was no precedent or statute, the oracle had to be consulted. It also reaffirms the general principle that the witnesses must initiate the execution of the criminal by laying their hands on his head, and attests the law that executions must take place outside of the city-gates (Lev. 24, 11-16. 23).

The wording is as follows:

"And the Israelitish woman's son blasphemed the *shem* and cursed. And they brought him unto Moses: (and his mother's name was Shelomith, the daughter of Dibri, of the tribe of Dan.)" (Lev. 24, 11).

"And they put him in ward, that the mind of JHVH might be showed them" (24, 12).

"And JHVH spake unto Moses, saying:" (23, 13).

"Bring forth the *mekallel* (him that hath cursed) without the camp and let all the *shome'im* lay their hands upon his head, and let *kol ha-'edah* stone him" (24, 14).

"And thou shalt speak unto the children of Israel, saying, Whosoever curseth his God shall bear his sin" (24, 15).

"And he that blasphemeth the *shem* of JHVH shall be

put to death; *kol ha-'edah* shall stone him, as well the *ger* as the *ezrah*, when he blasphemeth the *shem* shall be put to death" (24, 15).

"And Moses spake to the *B'né-Israel*, that they should bring forth him that had cursed out of the camp, and stone him. And the *B'né-Israel* did as JHVH commanded Moses" (24, 23).

In this connection should be mentioned another old law, closely related to the law of Exod. 22, 19 (20), and apparently designed to supplement the ancient law of *s-a-r-a-h*. Whereas the latter crime was not complete without prosecuting activity on the part of the accused, this law punishes the act even when done in secret (*ba-seter*). It is as follows: "*Arur* the man that maketh any graven or molten image, an abomination to JHVH, the work of the craftsman's hand, and sets it up in secret" (Deut. 27, 15).

Like the *yahoram* of Exod. 22, 20, this word *arur* is probably a priestly form of death-sentence. Perhaps different modes of execution are intimated by these variant forms.

In the next lecture, the last of this series, some phases of the Hebrew land-law will be touched upon, and an effort will be made to show that this branch of the original jurisdiction of the *zikhne ha-'ir* soon became a matter of Federal concern, as a necessary step in the policy of unifying the cantons forming the state.

IV

The *zikhne ha-'ir*, who had general jurisdiction of all affairs of their canton, must have taken cognizance of all controversies relating to the possession of land. The scanty remnants of the *zikhne ha-'ir* law are, however, insufficient

to show their procedure in such cases. The chief cause of early quarrels about land was the removal of landmarks. In a very early code this was accounted a crime punishable by death. "*Arur* he that removeth another's landmark" (Deut. 27, 17), and Hosea, speaking of the *sare* Judah as deserving condign Divine punishment, exhausts the language of condemnation by comparing them to removers of landmarks (Hos. 5, 10).

This severe treatment of what is, after all, but a trespass, would seem to indicate that the honest acquisition of land was a thing very difficult, if not impossible, and that, in consequence, men who were greedy to enlarge their holdings resorted to fraud as the readiest means to obtain their ends. The conclusion is not remote that the reason for this difficulty in honestly acquiring land lay in the policy of the Federal government making land inalienable either by deed or will, to the end that each family should hold its estate in perpetuity. Such would be the natural course for the conquerors of a settled country. The soldiers would probably claim equal rights in the division.

This supposition finds support in the law of *yabam* as applied in the early days of Hebrew domination: "If brethren dwell together, and one of them die and have no son, the wife of the dead shall not marry without to a stranger (*ish zar*); her husband's brother shall go unto her and take her for his wife. And the first born son (*bekor*) that she beareth shall succeed to the name of his dead brother" (Deut. 25, 5. 6).

That the custom originated in prehistoric antiquity, and had meanings with which we are no longer acquainted, is highly probable. The fact, however, is, as regards our subject, unimportant. Perhaps the majority of the most

modern customs could, if we had the full evidence, be traced back to notions held by primeval savages. Advancing civilization consists, and in all ages has consisted, in the reshaping of established institutions, so as to conform to improved thought and to become useful in furthering progress.

There is no doubt that so soon as the policy of equality of land-holding was adopted by the Federal government, the endeavor was made to conform the *yabam* law to it. While, originally, the brother of the deceased took the widow of the latter for his wife, and there was no question of estate involved, the new policy carried to the brother the landed estate of the decedent, to be held by him in trust for the first-born son of the new marriage, and only on the failure of male issue of the new marriage did he acquire the absolute estate. All this is necessarily implied in the provision that the *bekor* of the new marriage shall stand in the place of the first husband and bear his name (Deut. 25, 6).

Assuming this, it would follow that a man with a wife and a family of daughters, though the owner of a landed estate, could not provide for the latter. They would have to depend on the generosity of their uncle after he had married their mother. Nor could any foresight or good will of their father alter the situation. If he could have sold the land for money or other portable property, he could have given them the fruits of the sale, but the entail prevented this. In short, to use the technical language of the English law, the land was entailed in tail male, which means that by no means whatever could the owner prevent his male descendants from enjoying it. If male descendants failed, the land went to the decedent's brothers; if there

were none, then to the brothers of the decedent's father; and if this line too failed, then to the nearest kinsman of his *mishpahah*. So much of the ancient law we learn from Numbers 27, 9-11.

It must have been at an early day that a reform was demanded, though of course not before the civil government had superseded the military regime. While the latter was at its height, the soldiers who were conquering the land from its possessors, doubtless claimed it as the fruit and reward of their exertions. In this state of opinion women had small chance to be considered. When, however, the statesmen began to get the upper hand, the injustice of leaving a man's wife and daughters to charity, while others were in lawful enjoyment of the family estate, was recognized. The general law of Numbers 27, 8 is but declaratory of a precedent which had been established. The case is fully stated in the twenty-seventh chapter of Numbers. The five daughters of Zelophehad appeared before Moses and his coadjutors, composing the high court which sat at the door of the *ohel mo'ed*, and asked, as a matter of justice, that they might inherit their father's estate, instead of its going to their uncles. Moses consulted the oracle (brought their *mishpat liphne* JHVH (Numb. 27, 5)). The decision was: "The daughters of Zelophehad speak right; let the inheritance of their father pass unto them" (Numb. 27, 7). And according to the invariable practice this precedent was immediately put into the form of a general statute (Numb. 27, 8).

This was a momentous decision. The mother of these daughters would, according to the ancient custom, still marry her brother-in-law, but she would not take the

family estate with her. The daughters would take it, just as if they had been sons.

That brothers-in-law would not be anxious to carry out the old *yabam* law under such circumstances is only natural. Indeed, the power of the heiress to choose her husband virtually substituted her for a son, and enabled her to confer the name of her dead father upon her own *bekor*. However foreign to the spirit of the old law such a practice would be, it would soon satisfy people's consciences, and fashion would do the rest. Moreover, concurrently with this recognition of women as capable of inheriting, the whole tone of opinion regarding the relation of the sexes underwent a profound change. Especially powerful was the trend toward enlarging the number of prohibited degrees. In the old *arur* code punishment (probably death) is denounced against him that married his step-mother (Deut. 27, 20), his sister, his half-sister (Deut. 27, 22), or his mother-in-law (Deut. 27, 23). This statute was now amended. A new list of capital crimes was made, which included, in addition to those of the *arur* code, marriage with a son's wife (Lev. 20, 12). Moreover, serious penalties, the exact nature of which cannot now be determined, were denounced against marriage with an aunt (Lev. 20, 19), or with the wife of an uncle (Lev. 20, 20).

The feature of this amended code which is most relevant to our present inquiry, is the prohibition to marry a brother's wife. It is not rated as a crime punishable by human law, but it is denounced as *niddah* (abhorrent) (Lev. 20, 21). The only evil consequence threatened is: "They shall be childless." That this provision is a pointed condemnation of the *yabam* marriage, seems clear. The

purpose of the latter was the birth of a son who should stand in the place of the dead man who had no son. And now it was solemnly declared that JHVH himself would prevent the attainment of the object. They would have no son. The marriage would be sterile.

In the state of public opinion thus indicated, the severe blow dealt the *yabam* law by the Zelophehad decision was much aggravated. In short, fashion and morals joined in discrediting the Levirate marriage.

This, however, was not all. The great land-owners of Zelophehad's kin became alarmed. The latter's estate had slipped from their grasp into the hands of a bevy of damsels, whose fancy might bestow them on the dreaded outsider (*ish zar*). In the general greed for increasing their holdings, land-owners from other *mishpachot*, if not from other tribes, might come a-wooing, and by marriage with the heiresses, deprive the kinsmen of their cherished chance to annex the lands of failing lines.

To save what they could, the chiefs of the *mishpachot* of Gilead appealed to the High Court to modify its decree of Numbers 27, 7, by adding thereto a limitation of the right of heiresses in the choice of husbands. They urged that without such limitation, men of other tribes would reduce the state of Gilead by coming in and marrying the women of landed estate.

The tribunal heeded the protest and modified the former decree by declaring that the daughters of Zelophehad might marry whom they would, provided only that their choice fell on men of their own tribe, in order that every one of the tribes of the *B'né-Israel* should keep its own inheritance (Num. 36, 1-9). Whether *mishpahah* or tribe is here meant is not quite clear from the language of the

text. The probability, however, is that *mishpahot* only are intended, and that by *mishpahot* we are to understand recognizable kinsmen. As late as the time of Jeremiah, we find that in the domain of the priest-city of Anathoth, a man could not sell land to whom he would, but that the nearest kinsman had a preferential right to buy. Though the existence of a custom in a priest-city at a late period is no warrant for its general existence at the time throughout the realm, because of the tenacity with which the priests held on to their ancient rights and privileges, yet it is at least good evidence of ancient customs which were, in former times, general. It appears that Hanamel, the son of Jeremiah's uncle Shallum, determined to sell his land, and accordingly made the first offer to his cousin Jeremiah as the one having the preferential right (*ge'ullah*). Moreover, he expressly stated that this preferential right was based on or conjoined with the right of inheritance (*yerushah*), which can only mean that Hanamel was childless, that he had no brothers, that his uncles were dead and that Jeremiah was the next of kin (Jer. 32, 7-8).

We must return, however, to the Zelophehad heiresses. It appears that the modification of the decree did not seriously disturb them. They married their first cousins and thus the estates were kept in the family (Numb. 36, 11. 12).

These cousins, who, in part, owed their success in wooing to the law courts, were not alone in their land-hunger. We have already noticed the drastic denunciation of land-thieves in the *arur* code. Despite everything, the thing went on. Wealth and luxury increased, and the men newly risen to opulence were eager for their aggrandizement. They were not too dainty as to the means whereby

they accomplished their purpose. Some of them doubtless were of the *zikne ha-'ir*, and that tribunal could not be relied on to interfere with them. This is the meaning of Isaiah's bitter cry: He looked for *mishpat* (justice) but received *mispah* (oppression); for equity—and behold iniquity. Woe unto them that join house to house and field to field, till there is no room for others and they remain alone in the land (Isai. 5, 7, 8). Their inward thought is that their houses shall endure forever; they call their lands after their own names (Ps. 49, 12 (11)).

The strife degenerated into a contest between the old families and the new rich, and, as a consequence, the decaying families and the poor in general fared badly between the upper and nether mill-stone.

The *yabam* law, which was one means of securing the inalienability of landed estates, was treated with scant courtesy by the rising families, was assailed as immoral by the Federal *kohanim* and statesmen, and had doubtless fallen under the social ban. No appeal to antiquity could save it from falling into obsolescence.

The result was inevitable. As in all nations with a genius for jurisprudence, the Hebrews employed the *fiction juris*, the legal fiction, to set aside laws and customs which they dared not repeal outright. They determined that the woman who could not marry anyone but her brother-in-law, should be free of the obligation, if the latter in proper form declared he would not marry her.

This was a substantial repeal of the *yabam* law, by the abandonment of its only effective feature, the sanction or vindictory part thereof. For once the Federal government and the cantonal councils were of one mind. The *zikne ha-'ir*, as has been seen, had the largest general powers.

In earlier days, when they were still enforcing the *yabam* law, they doubtless compelled specific performance of the brother-in-law's duty, just as in another class of matrimonial cases they deprived a man of his almost indefeasible right to divorce his wife (Deut. 22, 13-19). Certain it is that they never hesitated to enforce their judgments by punishing men in body and estate, and were by no means chary of inflicting the death penalty (Deut. 19, 12, 21; 22, 21, 22, 24, 25).

That the violation of the *yabam* law might well be punished by death appears from the story of Tamar, Judah's daughter-in-law, whose husband Onan was slain by JHVH for fraud on this same law (Gen. 38, 1-10).

The particular ceremony by which legal fiction effected the gradual disuse of the *yabam* law was what came in later times to be called the *ḥaliṣah*. It is fully described in Deut. 25, 5-10. The details are not all comprehensible. They doubtless, in part at least, simulate the proceedings which were had when the trial was a very real one with serious consequences to the defendant. The first step evidently was that the widow explicitly asked her brother-in-law to marry her, and he declined. Thereupon she instituted suit, that is, she went to the city gate, to the *ṣekkenim*, and made this formal complaint: My husband's brother refuses to marry me, will not comply with the *yabam* law. Whereupon the *ṣikne ha-'ir* summoned him. He appeared. They informed him what the complaint was. The contingency of his replying that the complaint is not true, that he is quite ready to marry the woman, is not mentioned. His refusal was taken for granted. If he stood by it and said, I do not wish to take her, this confession of his guilt was followed by no judgment of the tribunal. No redress was

given to the complainant, no punishment was decreed against the defendant. What happened was that the woman drew off one of his shoes, ceremoniously spat in his presence, and uttered an antique formula, which probably had once a sinister meaning, but had become harmless and even unintelligible. These were the words: "So shall it be done unto that man that will not build up his brother's house. His name shall be called in Israel, The house of him of the loosed shoe." This accomplished, the parties went their way, and probably the woman was free to marry whom she would, which, after all, was what everybody had intended from the first.

There is but one other instance of *zikne ha-'ir* law which concerns us in the present inquiry. It occurs in the Book of Ruth.

According to the author's presentation, the duty which the law, as we know it, puts upon the *yabam* or husband's brother, attaches to the *go'el* or near kinsman of the *mishpahah*. This duty, moreover, is not primary, but incidental to the exercise of the right of *ge'ullah*, which is the preferential right of the next of kin to purchase lands which a member of the *mishpahah* wishes to sell, before they can be sold to a buyer from without. The *yabam* duty, in short, is a mere incident of the *ge'ullah*. This right of *ge'ullah* is assignable by one *go'el* to another in the order of succession, which is determined by nearness of kinship, and such assignment or waiver carries with it no reproach to anybody. In order that the transaction may be legally effective, certain forms are necessary. It must be at the gate, in the presence of at least a quorum (ten) of the *zekenim*. The assignor, next of kin, addressing his successor, says: "You may buy it for yourself," and with the

words delivers to him the shoe which he has just drawn from his foot. The assignee takes the shoe, and, addressing the *zekenim* and the by-standers, says: "Ye are witnesses this day:" (then formally recites what he has acquired) and closes by repeating the words: "Ye are witnesses ('*edim*') this day." The *zekenim* and the by-standers say in chorus; '*edim*' (witnesses), and the transaction is closed,—is firm and stable forever (*leḳayem kol dabar*) (Ruth 4, 7).

Needless to say, there is no tittle of evidence that there ever was in Israel a compound *ge'ullah-yabam* law such as is here described. Moreover, there is reason to believe that the author knew this perfectly well, having before him all the data accessible to us. His acquaintance with the most ancient form of *yabam* law, as exemplified in the story of Tamar (Gen. 38, 6-30) is attested by the utterances of Ruth 1, 11 and 4, 12. That he was aware of the custom which allowed the woman to propose to the *yabam* (Deut. 25, 7) is seen in Ruth 3, 9, and that the drawn-off shoe plays a part in it (Deut. 25, 5-10) he tells in Ruth 4, 7. 8.

In view of these facts, it would be rash to doubt his knowledge of the law of Numbers 27, 7-10, and one can hardly go wrong in supposing that he had read the *ge'ullah* transaction of Jeremiah 32, 7-12.

Having this knowledge, it was as plain to him as to us that when Mahlon died, leaving no children, no brothers and no uncles, the inheritance went to the next of kin (Numb. 27, 11), the *peloni almoni* (Mr. So and So) of Ruth 4. There was no power either in Naomi or in Ruth to sell, because they had no title of any kind. *Peloni almoni* was

the absolute owner. There was no room, therefore, for *ge'ullah* and, *a fortiori*, none for *yabam* duty.

The author, however, wrote his imaginary law for a purpose. He was creating one of the great masterpieces of the world's literature, with the design to show that marriage with non-Hebrew women might not only be harmless, but highly beneficial in bringing into the fold the most noble and charming of foreign damsels. In the restricted life of Eastern women, he could find no class to whom was accorded the liberty of making advances, save the childless widow, and she only to the *yabam*. The situation rendered an actual brother-in-law impossible, so his part was taken by the noblest gentleman of Bethlehem. Everything runs on to a happy ending, and the baby-boy Obed becomes the ancestor of King David.

We may therefore, with safety, eliminate from the discussion the law as laid down in Ruth, though on certain minor points it may be informing.

The only great land-law remaining to be considered is that of Leviticus (25, 10-34). Its salient provisions are as follows:

"And ye shall hallow the fiftieth year and proclaim liberty (*deror*) throughout the land to all the inhabitants thereof: it shall be a jubilee unto you; and ye shall return every man unto his possession (*ahuzzah*), and ye shall return every man unto his family (*mishpahah*)" (Lev. 25, 10).

"In the year of this jubilee ye shall return every man unto his possession" (*ahuzzah*) (Lev. 25, 13).

"According to the number of years after the jubilee thou shalt buy of thy neighbor; according to the number of years of the fruits he shall sell unto thee:" (Lev. 25, 15).

"According to the greater number of years thou shalt increase the price thereof, and according to the fewness of years thou shalt diminish the price of it; for it is a number of crops he is selling thee" (Lev. 25, 16).

"The land shall not be sold in perpetuity (Lev. 25, 23).

"Ye shall grant *ge'ullah* (redemption) for land" (Lev. 25, 24).

"If thy brother be waxen poor, and hath sold away some of his *aḥuzzah* (estate), and his next *go'el* (kinsman) come to redeem it, he shall have the right to do so" (Lev. 25, 25).

"If the man have no *go'el*, but can gather the means to redeem it" (Lev. 25, 26),

"Then let him count the value of the years since the sale (deduct that sum from the purchase money) and pay the balance unto the man to whom he sold it: then he may return to his *aḥuzzah*" (Lev. 25, 27).

"If he cannot gather the means to redeem it, then it shall remain in the buyer's possession until the year of jubilee: and in the year of jubilee he is entitled to return to his *aḥuzzah*" (Lev. 25, 28).

"If a man sell a dwelling-house in a walled city, he may redeem it within a whole year after it is sold" (Lev. 25, 29).

"If it be not redeemed within the space of a full year, it shall be the buyer's in perpetuity throughout the generations; it does not revert in the jubilee" (Lev. 25, 30).

"But houses in *ḥašcrim* (villages) which have no wall round about them are to be treated as fields: they are subject to *ge'ullah* and revert in the jubilee" (Lev. 25, 31).

"As to the Levite cities—the houses of the cities of their possession, are subject to perpetual *ge'ullah* for the Levites" (Lev. 25, 32).

"And if a man of the Levites fail to redeem a house in a Levite city which he has sold, it reverts to him in the jubilee" (Lev. 25, 33).

"The field in the *migrash* of their (Levites') cities may not be sold; it is an *aḥuzzah* in perpetuity" (Lev. 25, 34).

A mere reading of this jubilee-statute shows that it has no reference to the days when the *zikhne ha-'ir* were the great men of the country. The earliest allusions to it are found in Jeremiah and Ezekiel. The latter speaks of the seller returning and makes a gloomy prediction that it will not happen, the trumpet that has been blown, presaging misery instead of happiness (Ezek. 7, 12. 13. 14).

He also points out that royal grants to members of the royal family are *naḥalah*, that is, are not to revert, but that royal grants to others revert in the *deror* year (Ezek. 46, 16. 17).

And this allusion to the blowing of the trumpet and to the *deror* year recalls the statute (*berit*, covenant) made during the reign of Zedekiah in the most solemn fashion before JHVH, to wit: They cut a calf in twain, and passed between the parts thereof, the *sarim* of Judah, and the *sarim* of Jerusalem, the *sarisim*, the *kohanim*, and *kol 'am ha-areṣ*. By the terms of this *deror* law, every man was bound to free his Hebrew slaves. On that occasion Jeremiah denounced the non-observance of the old law forbidding Hebrew slavery, and also castigated those who were violating the new statute (Jer. 34, 8-22).

The connection between Leviticus 25 and these passages from Jeremiah and Ezekiel seem clear.

We are, however, not concerned here with the slavery question, though it would appear to have been inseparably connected with the land question, in view of Ezekiel's words wherein the expression *deror* year is used for the jubilee year of Leviticus.

We may take it for granted that the land-greed of which something has been already said, did not abate while the cantonal magnates had their own way. The jubilee statute seems to be a compromise between the parties to this age-long contest. By it the old Federal policy of the inalienability of land was definitely abandoned. The *sikne ha-'ir*, the magnates who dwelt in the walled cities, who were, in fact, the great land barons, had finally triumphed, though concessions had to be made to other interests. By the terms of the compromise, the absolute inalienability of land was abolished; houses in cities were made practically alienable, and agricultural lands and village-houses, while they could not be sold in perpetuity, could nevertheless be alienated by the owner, on condition that they should revert in the jubilee year and be subject to *ge'ullah* at any time before. The Levites (*kohanim*) succeeded in securing for themselves the right of *ge'ullah* and of jubilee-reversion in their walled cities, while as to their *migrash* fields they maintained the ancient law of total inalienability.

The result was perhaps as good as could have been expected. The growth of commerce and of wealth had brought into more active operation economic laws which defeated the plans devised by the Federalists in the earlier times of greater simplicity. The great barons were now authorized by law to acquire perpetual estates in their val-

uable city holdings, and to extend them without limit; their purchased agricultural estates, before held in defiance of ancient law, were made secure until the *deror* year, and this provision must have added to their power and influence.

The Levites (*kohanim*) retained or reconquered the placid security of primitive times, while the masses of the farmers, though they derived only moderate benefits during their active lives, could at least hope that their children's condition would be permanently improved.

The achievement, though far short of the hopes of the optimists, was greater than it may seem. The old law of inalienability had been so uniformly disregarded as to have become practically obsolete, and the lands of the poor were being gradually absorbed by the land-barons. Any degree of amelioration was an advance, and none could have been secured if the influence of the common people had not steadily grown. At least one of the great estates of the realm, the *'am ha-arçs*, was making a sturdy fight for the rights of the masses. In the struggle for the Zedekiah statute, they took a leading part, and though the powerful classes were tempted to evade the laws which hampered their efforts for control of all kinds, some progress was always made.

We must not, however, prolong remarks on a subject which is too remote from our main theme, to be adequately treated in this connection. There are many questions of equal interest which must be discussed before a proper understanding of the polity of the ancient Hebrews can be attained. It is necessary to understand how the conflict between the centrifugal forces, represented by the *sikne ha-'ir*, and the centripetal forces of the nation was carried on, and by whose activity it was finally decided in favor

of the latter. This involves an investigation into the part played by the *Nebiim* and the Levites (*kohanim*), and by the former I mean, not the writing prophets, but the guild which is typified by the illustrious old hero Elijah. When I first began these investigations I intended to take up all the laws recorded in the Bible, with the design of developing therefrom a complete scheme of the Hebrew Constitution and laws. It soon became apparent that in the *siḳne ha-‘ir* laws we had a system more ancient than the accepted codes. Further examination revealed the cantonal basis of the Federal government and showed clearly the necessity of going to the bottom of the *siḳne ha-‘ir* laws. The result has been that what was conceived to be the main subject has scarcely been touched upon, and its consideration must be postponed to a future occasion.

It remains only to summarize what I conceive to be the result of this preliminary work.

At the Exodus the Hebrews were arrayed as tribes with sub-divisions. As they advanced and the necessities of war dictated a more efficient organization, they formed into regiments (*alaphim*) with proper sub-divisions and aggregations. Both forms of organization were in their nature military, the latter specifically so. As they conquered settled territory, with established governments, they learned a new lesson. The pre-Israelite inhabitants lived in many cantons, each constituting a little kingdom, called a "city." The name was not literally exact. The canton had in it, besides the walled city, certain towns, villages, and fields, and sometimes it had one or more additional cities, all looking up to the royal city, which was the seat of government where the King held his court. The Hebrews recognized and adopted this subdivision of the

country, and in part accepted the mode of government as a practical solution of the new and intricate problems which they had to solve. They, however, abolished royalty. Councils, somehow representative in their make-up, became the ruling power in these little cantons, which were to be the constituent elements of a central Federal government. The conquest was slow, and the progress of nationalization tardy. The policy of exterminating the natives, which was the obvious one for an invading horde that started out to take possession of a whole country, had to be abandoned. Concessions were made to the natives, who, under the name of *gerim*, exercised much influence in the Hebrew cantons, which superseded the old city-states. The national policy of declaring JHVH as the one God of the country was hindered at every step by the stubborn conservatism which adhered to the multifarious cantonal gods, and the central government established at Shiloh found great difficulty in bringing the cantonal councils to a lively comprehension of the importance of stamping out the old worship.

There was one other leading feature of policy in the new nation. The land for which the Hebrews so longed was to be divided as equally as possible among those who had won it by their blood. In this matter, too, the central government had to rely on effective administration by the cantonal councils. The obstacles encountered were great. Leading chieftains naturally claimed greater shares, many natives kept their holdings, and the theoretical idea of equality, which would, under the most favorable circumstances, have been only partially translated into practice, was but slimly carried out. The principle, however, that family land was inalienable was adopted as law. Had this been consistently carried out, there would not have arisen

a slavery question. Unfortunately, however, though shut out at the front door, it slunk in at the side. The ancient severe notions of debtors' law were at first accepted. The new farmers were not all equally skilled or capable. Some of them had to borrow, and the penalty of not paying was slavery. Men with talents for accumulation were then, as now, alert to seize opportunity. So long as they kept within the law, they felt no reproach of conscience, and often they went beyond in order to attain their ends. Many of the farmers fell into debt, and not only lost their holdings, but their liberty and that of their children. As the state grew in wealth, the application of economic laws became more and more certain, and though the state and the successful classes prospered, the poor, at the other end, were badly off. The most energetic efforts of the central government to ward off these evils fell far short of success. The rising men held the power in the cantonal councils, and they favored their class.

There was thus a steady conflict between the central government and the cantonal governments, the latter following local policies and the former working for a larger, freer, unified state.

The removal of the jurisdiction over *s-a-r-a-h* from the cantonal to the Federal courts was a long step forward. The struggle to maintain the Federal land laws was less successful, but, in the end, a partial victory was achieved by the Nationalists, who had added to their forces a new element by the introduction of representatives of the poorer classes (*dallim*) into the great Federal council (*'am ha-areš*). The rights of the masses came to be more and more regarded, and the aristocratic tendencies of the country magnates, sitting as *zikne ha-'ir*, were curbed by

joining with them Federal judges with plenary powers (the *shophetim* of the later period), and by the establishment of Federal courts, with superior jurisdiction in cases involving great national policies. The primacy of the nation was finally assured and the *zikne ha-'ir* sank to a subordinate position.

How deeply this nationalization was rooted in the minds and hearts of the people we can learn from the state of affairs in Ezra's time, more than a century after the downfall of the old Judean state. The burning question was that of intermarriage. That it shook the state to its center was inevitable. Great personages had married non-Hebrew women, and all that affection, political influence, and social power could effect to avoid the disruption of families was put in motion. Doubtless the great literary genius of the Book of Ruth was evoked by the sad situation.

Ezra, austere, single-minded, and inflexible, insisted on his view as the sole salvation of church and state, and however bitter the remedy, the wisest men of the country agreed with him.

A general convention was called to be held at Jerusalem (Ezra 10, 7-9). It was soon seen that the task of righting present conditions could not be accomplished in a day or two. The resolution was reached, that a special court should be instituted to hear the cases, the work being so arranged that it could be finally completed in three months. And this was the manner of it: The men who had taken alien wives were summoned to appear, canton by canton, at stated times, bringing with them their *zikne ha-'ir* and their *shophetim*, and then the special Federal tribunal decided each case on the merits (Ezra 10, 14).

We see here completed the process which has been described. The *zikhne ha-'ir* are still a body representing their canton, familiar with its people, its customs; the *shophetim* are their legal advisers on the law as modified by Federal policies, and the Federal tribunal at Jerusalem is bound to hear what they can say, and its decision is supreme, binding, and final.

It is in the light of these considerations that we must view the *zikhne ha-'ir* law, which has been the main theme of these lectures. If they have any value, it is in making clear that the state was always viewed as a bundle of cities, and that under such circumstances the volume of *zikhne ha-'ir* law must have been very great; that the instances and the statutes of that law which survive are but a small fragment; that scanty as are the sources, they are still the best for learning the foundations of the Federal law which superseded the canton law.

That the laws of the Pentateuch can be better understood when we appreciate these facts, seems clear. May time and opportunity be given me to continue the task.

In any event, I may be permitted to express the hope that others who are interested in the subject may take it up and add their contributions to the work of giving us a better understanding of the constitutional and legal history of the ancient Hebrews.

A TOKEḤAH BY R. SAADYA GAON

BY H. BRODY, Prague

IN the summer of the year 1902, while searching among the Genizah leaves belonging to the municipal library of Frankfurt a. M., I chanced upon an exceedingly damaged fragment of a poetical composition which exhibited evident traces of antiquity. The badly preserved and very defective text of the fragment offered no safe clue as to the nature and characteristics of the composition. Despite all that, however, the manuscript seemed to me to deserve publication, and hence I published it in the *Festschrift zum 70. Geburtstage A. Berliners* (Hebrew division, pp. 9-11) in the expectation that in the course of time other parts of the composition would come to light from the obscurity of the Genizah and that then the fragment could be utilized in the restoration of the text.

My expectation was realized beyond measure. When, a year and a half ago, I first had an occasion to take cognizance of the excellent catalogue by Neubauer and Cowley, which describes in a wonderful manner the newly acquired manuscripts and Genizah fragments of the Bodleiana, I found in No. 2710, 3^{K1} א ל לרבינו סעדיה ז"ל which opens with the words אַם לִפִּי בַחֲרֵךְ and has the refrain יִזְכֹּר זֹאת וַיִּבְרַשׁ. This refrain which also occurs in the Frankfurt fragment suggested the thought that the Oxford manuscript contained the same poem. By means of a

photographic reproduction, for which I am indebted to the instrumentality of the learned and kind Mr. Cowley, I found this suggestion verified. That by רבינו סעדיה the great Gaon is to be understood—which is already probable in itself—is manifested by MS. Oxford No. 2847, 1b. This likewise contains a small fragment of our poem (to the end of letter ב) together with an Arabic translation, furnishing proof that our composition enjoyed high esteem.

The superscription here reads: סאלני בעין מן יתטלב אלפצילה וירגב פי אכתסאבהא לדאתהא אן אפשר לה אלצלאה אלמנסובה אלפיומי ז"ל. This tradition is verified beyond doubt through some phrases which occur in the מרתיה—this is here the translation of the Arabic term קובץ מעשי ידי—and recur in Saadya's second prayer (נאונים קדמונים, pp. 78-83). A comparison of these passages will render it clear.

Tokeḥah

Letter ד, verse 3:

דעת מה ילד יום מחר נבער מדעת
מה יהי על כן מלא לבו פחד
ועצבון.

Letter ס, verse 4:

סע מסע אחרי מסע אל ארץ
עיפתה כמו אופל שלף ויצא בבוא
יומו מכל יש ותענוג ועשתונות.

Letter פ, verse 3:

נמאס ונטבל בשחת

Prayer

Kōbeṣ, p. 79, l. 12:

ואם [בדעת] מה ילד יום לא ידע
ומה יהי למחר לא יבין על כן
מלא לבו פחד ועצבון.

Ibid., l. 21:

ויסע מסע אחרי מסע אל ארץ
חשך וצלמות עד בא יומו ... אברו
עשתונותיו.

Ibid., p. 80, l. 14:

וככלי נמאס... וכנבר אשר הטבל
בשחת

Letter ק, verse 4:

Ibid., p. 79, l. 5:

קטוננו בעינינו אנו

יעור קטוננו בעיני נפשנו

Letter ת, verse 4:

Ibid., p. 82, l. 8:

ומבני העולם הזה תשימנו

תשימנו מבני העולם הזה

Now that Saadya's authorship is established, the publication of the poem needs no special justification, the less so since this poem discloses to us a new phase of the creative power of the poet Saadya. In regard to technical and linguistic accomplishments the *Tokeḥah* differs very considerably from the extant compositions of Saadya, in which the artificial form and the profuse use of rhyme and acrostic result in clumsiness of language. It shares in common with the beautiful prose of Saadya's prayers the tendency for clear expression and pure diction, in which—as the footnotes show—biblical forms, phrases, and figures are predominant, though here and there talmudic-midrashic words, allusions to the *haggadah*, and *payyeṭanic* forms are to be found. The *Tokeḥah* differs from Saadya's prayers in its construction, the rhyme being sacrificed in order to obtain in imitation of the poetical style of the Bible a grouping in verses and also a fourfold alphabet in the acrostic.

The basis of the following text is the MS. Oxford 2710 which I designate in the notes up to letter ו, verse 4 (note 26) by "O", thence (note 27 ff.) simply by MS. Oxford 2847 is named "O³"; "O²" serves for Oxford 2827, 14b which also contains a portion of the *Tokeḥah* (from צעדיו קמשונים, letter ב, verse 1, to ונשאר עולם, letter ו, verse 4). "F" is the name of the Frankfurt manuscript as incorporated in the *Berliner-Festschrift*. Since I provide the text with vowel signs I have deemed it advisable to omit

the vowel letters which accompany it. The refrain following after every second letter is indicated fully at its first place, then only by the two words **זאת ויבוש**. The manuscripts serving as basis have sometimes **זאת ויבוש** or only **זאת**. At letter **ש**, verse 4, the poet, with the words **לא נבוש**, etc., drops the refrain, which would have been out of place at the end of the whole; I omit it therefore at the end despite the fact that it is contained in MS. ("O")—probably on account of imperfect attention on the part of the copyist. **הנש** at the end of letter **ב**, following the refrain, means undoubtedly **הנשמה**, and so the *Tokehah* seems to have been inserted in the group of verses **לך והגוף פעלך**, namely before **לך ד' הצדקה**.

אם לפי בחרה צורנו באדם הזה הדל—הוא כתור המעלה ומהשמן דבר
נשמעבו¹

אם לפי בנינו ורקמו — בחרש מן החמר לקח, מעינות דם וריר, מעונות
רמה ותולעת²

אתכרית רוחי אם אביע מעלליו, נפשי תשתוחח מעשיו אם אזכרה³

אוי לו מיצרו אוי לו מיצרו, ידו בכל-יצור לשחתם ויד כל בו להשחיתו⁴

¹ If man was to be valued on the basis of the consideration that God has favored him above all creatures and chosen him for His service, then he would have to be pronounced very perfect and faultless. Comp. I Chr. 17, 17; Job 26, 14. (O³) **הוא המעלה**.

² Judged, however, by his physical constitution and structure (Ps. 139, 15), by his body, he is no more than an earthly fragment, etc.—**מן החמר** (= **מן האדמה**). Comp. Isa. 45, 9; Gen. 3, 19, 23; Job 25, 6. (O³) **כחרס**.

³ Como. Dan. 7, 15; Ps. 42, 7.

⁴ Comp. b. Ber. 61a and **רקדוקי סופרים** *ad loc.* (notes י and צ); Gen. 16, 12.

בְּעוֹלָמוֹ נִחָשֵׁב הוּא כְּבִין צַעֲדָיו קַמְשִׁינִים, וְכָל־יָמָיו חַיִּי הִבְלֹו עַל־שִׁבְכָה

יִתְהַלֵּךְ⁵

כְּרָר וְשַׁעַר קָטָב, חֵם חָרָב צָרַבְתָּ, בְּחוּף לְבָאִים לְחַטִּים, כִּמָּה יִפְקַח עֵינָיו

וַיִּזְהַר⁶

כִּעֵט יִבְעֵט בְּשִׁבְעָהּ, וְעַת כִּי־יִרְעַב וְהִתְקַצָּה, גַּם־פְּלִילָה לֹא־שָׁכַב לְבֹו, כִּי

כָּל־יָמָיו מִכְּאוֹב וְכַעַס⁷

כֵּית בֵּית בֵּית הוּא מִגֵּיעַ, וְדִין אַרְבַּע אַמּוֹת אַחַז־תְּקַבֵּר⁸:

יִזְכֹּר זֹאת וַיְבוֹשׁ וּלְפָנָי עָשָׂהוּ יִכְנַע . הַנֶּשׁ.

גְּאוֹת לְבֹו מִשִּׂיאָהוּ לְהִתְנַשֵּׂא עַל־בִּמְתִּי עֵב, וְעַל־פְּלִיחֵי יִתִּיהָר, וּפְתַע נִזְקֵשׁ

וְנִלְכֹד⁹

גְּבִיָּה אִפּוֹ בִלְיָדְרֵשׁ¹⁰, הוּא וְאַפֶּס עוֹר מִלְכּוֹ¹¹, אֵךְ אֶל־שְׂאוֹל יוֹדֵר, בְּדִי עָפָר

לְמוֹצָק¹²

⁵ Isa. 2, 22; Eccl. 6, 12; Job 18, 8. כְּבִין = כְּמוֹ בִין: He appears on earth as if walking on thorns (Prov. 24, 31).

⁶ Comp. Isa. 28, 2; Ps. 57, 5. O¹: וְזֶרֶם קָטָב; חָרָב is missing there. O³ has כִּמָּה for כִּמָּה.

⁷ Comp. Deut. 32, 15; Hosea 13, 6; Isa. 8, 21; Eccl. 2, 23. כִּשְׁבָעָהּ is missing in O¹, O³ has בְּשִׁבְעָהּ instead; O¹ reads יִתְקַצָּה for יִתְקַצָּה.

⁸ Isa. 5, 8; Gen. 23, 4; Baba batra 6, 8.

⁹ Comp. Obad. 3; Isa. 14, 14; *ib.*, 8, 15; 28, 13. O² has וְנִוָּאֵשׁ for וְנִלְכֹד.

¹⁰ Ps. 10, 4.

¹¹ By מִלְכּוֹ, as found in both O¹ and O², God might be understood (comp. Ps. 10, 4); perhaps we should read בְּלָכּוֹ, according to Isa. 47, 8. 10; Zeph. 2, 15.

¹² Comp. Isa. 14, 15. עָפָר לְמוֹצָק = בְּדִי שְׂאוֹל, Job 17, 16; according to Job 38, 38. The sense then would be as follows: The grave is the form in which he (the man) is moulded.

גֹּשׁ בָּאוֹשׁ גִּלְמָהוּ, זָרַמַת תַּעֲב מִקֶּפְהוּ, כְּשִׁבְלֹל אִם יָמִס, גַּם-שֹׁמֵשׁ לֹא רָאָה

וְלֹא יִדְעֶה¹³

גָּחָה חֲבֵלָה יִלְדָתָהּ, נִמְלֵט וְנִפֵּל עַל-רֹאשׁ נִפְלוּ, חֲלוּתוֹ הִיא, אֵין לוֹ תְּקוּמָה

מִמָּנָה¹⁴:

יִדְוָהוּ לְמוֹסֵר מַחְנֵכִיו, הִמְרִיעָהוּ מִכּוֹת וְהוֹגָהוּ, אָבִן לְשׂוֹא יִסּוּרִימוֹ, וְהוּא

כַּעֲגֵל לֹא לְמֹד¹⁵

יֵדַעַת יִדְרֵשׁ פְּלִימְיוֹ וְהִיא רַחֲזָקָה מִמֶּנּוּ, מִדַּת יָמָיו וְחִלְדוֹ נִשְׁגָּבָה לֹא-

יֻכַּל לָהּ¹⁶

יֵדַעַת מַה-יֵלֵךְ יוֹם מָחָר, נִבְעֵר מִדַּעַת מַה-יְהִי, עַל-כֵּן מָלֵא לְבֹו פֶחַד וַעֲצָבוֹ,

יִשִּׁית עֲצוֹת וַיִּתְעַשֶּׂת¹⁷

יִדְעוּ כַּפְשָׁתָהּ מַחֲשַׁבְתֵּיו כִּשְׁתַּפּוֹל רַעְתּוֹ פְּתָאם¹⁸: יִזְכֵּר זֹאת.

¹³ Comp. Ps. 58, 9; Eccl. 6, 5. O² reads זרמת תעב מקפהו, which is to be explained from Ezek. 23, 20 and Job 10, 10; O¹ has זרמת העב התקפהו, which is unintelligible to me.

¹⁴ Comp. Cant. 8, 5; Ps. 77, 11; Lev. 26, 37. I vocalize גַּחָה (comp. Micah 4, 10) because the archetypes exhibit גָּחָה (defective) and not גוּחָה, which might perhaps be better (= mother, comp. Ps. 22, 10). נִמְלֵט, he was born, as Isa. 66, 7. The words וְנִפֵּל עַל רֹאשׁ נִפְלוּ I am unable to explain satisfactorily.

¹⁵ Ps. 42, 5 (guide, lead); Job -6, 3; Lam. 1, 12 and some other places; Jer. 31, 17. O²: מַחְנֵכִיו לְמוֹסֵר.

¹⁶ Comp. Eccl. 7, 23; Ps. 39, 5; 139, 6. O² has רַחֲזָקָה twice.

¹⁷ The predicate of the first member of the verse is יִדְרֵשׁ (in the preceding verse). Comp. Prov. 27, 1; Jer. 10, 14; 51, 17; Eccl. 8, 11; Ps. 13, 3. וַיִּתְעַשֶּׂת, think (Jon. 1, 6). O¹: וּמָחָר; וַעֲצָבוֹ is missing there.

¹⁸ Comp. Isa. 43, 17; Eccl. 9, 12.

הָזֶה נְדוּלָּה עָלָיו תָּאוֹת מֵאֵבֶל לַחֲמוֹ, כִּמוֹ פְּרָאִים וּבְנֵי־שַׁחַץ יִמְלֵא חָרִיו
הַטָּרָף¹⁹

הַשִּׁיחִים עַד־כְּלוֹתָם, הָרֶמֶשׂ וְהַשֵּׁט עַד־תָּמוֹ, וְהוּא כְּמוֹת לֹא יִשְׁבַּע וְכִאֲבֹדוֹן
לֹא־יֹאמֶר הוּן²⁰

הַזֹּאת יִחְשַׁב עַל־מִשְׁכָּבוֹ וּבֹאֹר הַבֶּקֶר יַעֲשֶׂנָה, יִשְׁבִּים בְּיוֹמָם לַעֲטוֹת בְּלִי
חֶמֶס וְאֲכֹרִיּוֹת²¹

הַחֲלִים בְּפִיהוּ מִחוּץ דַּעַת הַפְּרִיֹת לִגְנֹב, אִם נִחְמַר וַיִּפְחוּ נִמְצָא כֶּסֶף סִיג
מִצִּפָּה²²

וַיִּשְׁמַח בְּכִל־שָׂאֵט כִּי הָבִין לְהַתְּהַפֵּךְ בְּאֶמֶר אֲמוֹנָה, רְמִיָּה כִּי יַחֲלִיף אֶפֶס
גִּילַת לוֹ וְרִנָּן²³

וּמִי־שָׁמַע בָּזֹאת, הַיִּשְׁמַח לֵאדֹרוֹ בְּטַפְשׁוֹ, וְלוֹ הִשִּׁיב אֶל־לִבּוֹ בִּי אֲתָה
מִפְּרִנְכֹּו דִּין²⁴

¹⁹ Comp. Job 28, 8; 41, 26; Nah. 2, 13 (where טָרָף is without the article).

²⁰ Hab. 2, 5 (where וְלֹא is found); Prov. 30, 15, 16. הַשִּׁיחִים = the plants (Gen. 2, 5); רֶמֶשׂ = all that moves on the earth, the animals of the mainland (Gen. 9, 3); שֵׁט = that which swims (Ezek. 27, 8, 26), fishes. O¹ has וְהַשָּׂאֵט and תִּשְׁכַּע לֹא תִשְׁכַּע, comp. Eccl. 6, 3. F is defective excepting one word (וְיִסְעֵד, r. טַעַד and י as rest of ש).

²¹ Ps. 52, 4; 36, 5; Micah 2, 1; Gen. 49, 5. וּבֹאֹר according to F, O¹ and O² read וְכֹאֹר. יַעֲשֶׂנָה (Micah: יַעֲשֶׂה) is striking; O²: יַעֲשֶׂמוֹ. F has וְעֵט מַעֲלִי חֲמָה וְאֲכֹרִיּוֹת, comp. Prov. 27, 4.

²² b. Hullin 94a; Prov. 26, 23. F has כֶּסֶף for כֶּסֶף.

²³ Comp. Ezek. 25, 6 and Targum *ad loc.*; Isa. 35, 2. F: יַחֲלִיף for יַחֲלִיף.

²⁴ Isa. 66, 8; Prov. 17, 5; Deut. 4, 39; 30, 1. O¹ and O²: הַשִּׁמְחָה for הַשִּׁמְחָה; F: כִּי אֲתָה for שָׂאֵט.

וְלֵעֵת תִּבְקַע כְּרוֹס וְיִזְרַה הַפָּרֶשׁ עַל־פָּנָיו, כְּאִמֶּרֶת הָאֵלֶּלֶף שׁוֹטֵה בְּלִגְזוֹל

שְׁנִיתָהּ בִּי²⁵

וְתַעֲנוּגֵי אֲשֶׁר הוֹסְרוּ וְנִשְׁאָר עֲוֹנָם בְּנַפְשׁוֹ: ²⁶ יִזְכֹּר זֹאת.

וְעַף אָפוּ וְחִמְתוּ אִיבֵיו אֲרִבְיו חֲמָה, תֵּת לוֹ מוֹקֵשׁ וּמְלֻכּוֹד לְאַרְבַּע מִיתוֹת

וְדִינֵיהֶם²⁷

וְלֵעֵף דָּעוּהָ וְתַעֲהָ כְּרֹכֵב עָרוֹד, וּמִשְׁלַח בְּאִנְיָה בְּלִבֵּי־מִיטְרַפָּת וְחַיִּים

הוֹלֵךְ וְסָעָר²⁸

וְנֹת יָקָח לָבוֹ, חֲכָמְתוֹ בִּלְעָה בִּי יַעֲנֵב, כְּצִפּוֹר אֶל־פֶּחַ יְרוּיִן, נַפְשׁוֹ

הִיִּקְרָה יִצּוֹר²⁹

וְעוֹ אֲבָרָיו מִמָּא זִיה נִקְרַע חֲסָגוֹר מִן־הַשְּׂאוֹר, וְלֹא יָבוֹס כְּל־טְמֵאָה וְלֹא

יַעֲלֶה כְּל־דָּוָה: ³⁰

²⁵ Comp. Mal. 2, 3. The subject is treated in Midr. r. on Eccl. 12, 6: לאחר שלשה ימים כריסו של אדם נבקעת ומוסרת לפה ואומרת לו הא לך מה שגזלת וחמסת ונתת בי ר' חגי מיייתי לה מן הדין קרייא וזיריתי פרש על פניכם וכו' (to the places registered in the ed. Wilna is to be added b. Shab. 151b).

²⁶ O¹ and O²: סרו for הוסרו.

²⁷ Comp. Isa. 30, 30; Prov. 29, 25; Sanhedrin 7, 1 ff. מלכוד, masc. to מלכדת, Job 18, 10.

²⁸ Jon. 1, 13. זלעף, denom. of זלעפה (Ps. --9, 53 and elsewhere), part. without performative מ דעור, part. pass. of דערך (Isa. 43, 17 and elsewhere). מיטרפת, comp. b. Taanit 19 a and Kohut, *Aruch*, s. v. מרף, note 7.

²⁹ Comp. Hosea 4, 11; Ps. 107, 27; Prov. 7, 23; 6, 26. For [י]ענב, as found in F, MS. has יעגוב, see however Ezek. 23, 5.

³⁰ The first half of the verse (comp. Hosea 13, 8) is corrupted in the MS., and F is defective and in a condition not to be used in the restoration of the text (the word היה in F—for זיה in MS.—is not clear, hence not safe). Perhaps we are to read: וְעוֹ אֲבָרָיו מִפְּנֵי זִיה נִקְרַע חֲסָגוֹר מִן־הַשְּׂאוֹר and are to refer the words to the sexual intercourse with strange and con-

הָתָה אֵשׁ בְּחִיקוֹ וְלֹא חָשׂ, וּבָנָיו יִרְבוּ הַמִּשָּׁא, לֹא יִשָּׂא לְמָרוֹם עֵינָו, יִזְכֹּר

בְּרֵאיוֹ וַיַּחֲדֵל³¹

חֵין כְּבָדוֹ יַפְלֵחַ, הָלֵאתוֹ וְהָמוּ בְּנֵצְתוֹ, סִפֵּק בָּרַ אֶל־כַּף וַיִּתְּנָחֵם עַל־חַמִּים

אֲשֶׁר לֹא יֵאֲסֹפוּ³²

חֲלִפָה כִּרְנֵעַ תְּשׁוּקָתוֹ וְחִרְפָּתוֹ לֹא תִמָּחֶה, חֵיב לֵאמֹר בְּרִיתוֹת וּמַה־יִּשְׁכּוּ

עוֹד כְּמִנּוּ³³

כֵּת הוּא מִעֵינִי כָל־בֶּשֶׁר וְעֵינִי י"ו מִשְׁטֹטְתִי³⁴: יִזְכֹּר זֹאת.

טָרַף נִפְשׁוֹ בִּי יַעֲשֶׂק וְעַם־נֶגֶב עַד יַחֲלֵק, וַיֵּאֱהָב קָלָה וַתְּבוֹאֶהוּ, וַאֲתִי־הָבִין

וַאֲתִי־הָעֵין בְּלִתּוֹ³⁵

טַיֵּעַ שְׂדֵה זֶמֶם קַחַת, חֶרֶץ וְרֹצַח וְגַם יִרְשׁ, תִּקְלַל חֲלָקוֹ בְּנִבּוֹת בְּעַמֶּךָ

עֲכוּר לַגִּלִּים³⁶

sanguineous women (עֵרִיּוֹת). Or is לְמוֹיָהּ = מִמַּאֲזִיחַ (Dan. 3, 19)? In this case a word, such like זוֹנָה, would have to be implied. For יְבוֹס it would be better to read יְבוּז.

³¹ Comp. Prov. 6, 27; II Chr. 24, 27; II Kings 19, 22 (= Isa. 37, 23). חֶשׂ, *fecl*, as often in Targum and Talmud. After הַמִּשָּׁא F still has עָלָיו, then a narrow space which could contain only two letters, and the א of יִשָּׂא, so that לֹא seems to have been missing here. According to our version לֹא is to be connected also with the following יִזְכֹּר.

³² Comp. Prov. 7, 23; Lev. 1, 16; Num. 24, 10; Ezek. 21, 19; II Sam. 14, 14. וְהָמוּ, derived from וְהִמָּחֵתוּ, Job 33, 20. סִפֵּק, MS. סָפֹק, F has a lacuna.

³³ Prov. 6, 33. מִמִּנּוֹ = of it (of the sin).

³⁴ II Chr. 16, 9.

³⁵ Comp. Job 18, 4; Prov. 29, 24; Ps. 109, 17; Zech. 5, 4. F has טוֹב for טָרַף. For עַד, as I read according to Gen. 49, 27, MS. has אִזּוּ; F has a lacuna.

³⁶ Comp. Prov. 31, 16; I Kings 21, 19; Job 24, 18. טַיֵּעַ from נִטֵּעַ, the נ being eliminated, comp. Zunz, *Synagogale Poesie*, p. 873; the י is vowel

טָרַם וַיִּשְׁלַח בָּלָה מִשָּׁל, כְּבִשְׁתַּנְגָּב כִּי יִמְצֵא, סְבִלָה רַבָּסִיל בְּחִיקוֹ וּפְנִיּוֹ

חָפוּ בְּרַב־עַם³⁷

טָמוּנָה קִנְאָתוֹ בְּלָבוֹ בְּרֵאשִׁיתוֹ טוֹבָה לְגִילָיו, תָּמוּת נַפְשׁוֹ עִמָּם יָאֵב, וּמִי

כְּמוֹהוּ מְרִים אֲוֵלֶת³⁸

יִגְרָה מְדוֹן בְּשָׁלוֹם וְלֹא בִיד יִשְׁקִיט רִיב, יִשָּׂה בְּלִי לַחֲשׁ וַיִּמִּית וְאִין יִכְלֹת

לְהַחְיֹת³⁹

יִשְׁתֶּה מִי הַיָּם וְהַאֲזִינִחוּ, יַעֲשֶׂק נָהָר וְלֹא נָח, יִנּוּחַ הַכִּבְשָׁן מַעֲשָׁנוֹ וְהוּא

בְּקִנְאָתוֹ בִּיקְדָת⁴⁰

יִצְוֶדְהוּ לְשׁוֹנוֹ לְמִדְחָה, סִפְחַת בְּגִיּוֹ וַיִּפְשְׁהוּ, יִתְרַנְּהוּ כַּעֲסוֹ כְּפִתְהָ, תִּגְמָאָהוּ

מִסְטָמָה לְמוֹתָת⁴¹

יֶחֶד מִקְנָא וּמִקְנָא יַעֲבִירוֹן וְכָל־קִנְאָתָם יִהְיוּ הַבֵּל⁴² יִזְכֵּר זֹאת.

letter. חָרִין, he resolves and brings his resolution into execution by murdering and acquiring wealth unlawfully. יִרַשׁ, MS.: רִשׁ. עִמָּם עֵכוֹר. רִשׁ is here in connection with נִכּוּת, עִמָּם יִרְעָאֵל, comp. Ibn Ezra on Hosea 2, 17; Saadya, according to a citation by David Kimḥi, interprets the passage in a different way.

³⁷ Comp. Jer. 2, 26; Esth. 7, 8; Prov. 14, 28.

³⁸ Comp. Dan. 1, 10; Judg. 16, 30; Prov. 14, 29. נַפְשׁוֹ is missing in MS.

³⁹ Comp. Prov. 15, 18; Eccl. 10, 11 (where בְּלֹא for בְּלִי). F has יִשְׁקִיט for יִשְׁקִיט.

⁴⁰ He drinks the water of the sea to the last drop, deprives the rivers (of their water)—and still he does not rest (i. e. he is insatiable); the fire of the smelting-furnace becomes extinct—the flames of his jealousy burn forever! Comp. Isa. 19, 6; Job 40, 23; Exod. 19, 18.

⁴¹ Comp. Ps. 140, 12; Lev. 13, 2. 6. 7. 8; Job 5, 2. בְּגִיּוֹ (or בְּגִיּוֹ), or his body, already in the Hebr. Ben Sira 10, 9. יִפְשְׁהוּ, F: יִפְשִׁיחוֹ, Lam. 3, 11. תִּגְמָאָהוּ מִסְטָמָה לְמוֹתָת, his hatred leads him hurriedly to destruction, comp. Job. 39, 24; MS. has תִּגְמִיחָהוּ מִסְטָמָה.

⁴² Comp. Eccl. 9, 6.

בְּחֶרֶב חֲדָה יִלְטֹשׁ אִם תִּמְצָא יָדוֹ מִמְּשָׁלָה, לְרֵצוֹת עֲבָדָיו וְהַמְרָעִים וְלֹא
יִגְיַע רְצוֹנָם סֵלָה⁴³

בְּתִרְוָהוּ בְּלִצְדַּד וַיִּקַּף, בְּלִי עֹז וְרֵצוֹן מְרוֹץ, כִּמָּה בִּנְפִשׁוֹ וְיִהְיֶה לוֹלֵי יִסָּף שְׁמֵר
כָּל־עֵצוֹר⁴⁴

כְּסִרְסוֹר בֵּין אֵל לָעַם לַעֲשׂוֹת רְצוֹנוֹ הַפֶּקֶד, נָחַר גְּרוֹנוֹ מִלְּעַק נָחַר מִפּוֹחַ
מִלְצָרָה⁴⁵

כִּמָּה יִבְרַח וַיִּלָּה לְבַלְיִקְשֶׁר עָלָיו קֶשֶׁר, וּבְחֶרֶף עֹז יִשְׁטָפוּ שְׁטָף, אִי כְבוֹדוֹ
וְנִבְוֶרְתּוֹ⁴⁶

לְאֶרֶץ מִלְחָה נִדְמָה אִם לָקָה יִלָּקֶה בְּעֶרְוֶתָהּ, נִדְרָיו נִתְּכוּ בַּמִּים עַד יָנוּב
פְּרִי הַבֶּטֶן⁴⁷

לְתוֹנָה לֹא רַב יִלְדָּיו, יֵשׁ מֵהֶם לְאִבְחַת־חֶרֶב וּמֵהֶם שָׁכַל וְאַלְמוֹן, לָרִיק יִנַּע
בֶּם וַיִּטָּפַח⁴⁸

⁴³ Comp. Isa. 49, 2 and elsewhere; Ps. 52, 4; Jer. 34, 1. The sense is no doubt as follows: If he attains authority it becomes to him a sharp-edged sword (a danger); [he must] please friends and servants (that they may remain faithful to him and help maintain his power), but he can never satisfy fully their wishes and desires. For יָדוֹ (F shows יָד and then a lacuna) MS. has יָדָיו and וְהַמְרָעוֹת for וְהַמְרָעִים.

⁴⁴ Comp. Judg. 20, 43; Lam. 3, 5; Ps. 59, 5. F has יָרוּצוֹן for יָרוּצוֹן, for יִסָּךְ both archetypes exhibit יִסָּךְ.

⁴⁵ Comp. Ps. 69, 4; Job 6, 29. The ruler should intervene between God and the people and act on earth according to the will of God, but his efforts are in vain and his toil remains fruitless. כְּסִרְסוֹר is vocalized in the MS. כְּסִרְסוֹר. הוֹפֶקֶד, F is lacking, but it seems to have read יְהוֹפֶקֶד.

⁴⁶ Far from being able to devote himself securely to the problem allotted to him by God and exert a blissful influence he must very often defend himself against plots and conspiracies, to which, if not guarded, he could fall a victim—where then is his glory, his power? MS. has שוֹטָף for שְׁטָף.

⁴⁷ Comp. Jer. 17, 6; Job 3, 24. עֵרְוֶתָהּ (from עֵרִירִי) barrenness.

⁴⁸ Comp. Prov. 17, 21; Ezek. 21, 20; Isa. 47, 9; 65, 23; Lam. 2, 22.

לְחַלִּים יִדְאֵג לְבֹ, לְשֹׁמֵר סְמִיחִים, יַעֲשֶׂק־נָא פְּדוּרֵיג חֲבֹן וַיִּתְּפְרִין, מוֹמִי
חֶבֶת וּפֶן תַּחלֵּל⁴⁹

לָעֵת תִּתְקַפְּהוּ וַיַּחלֵּף יִכְבְּדוּ בָנָיו וַיַּצְעֲרוּ וְלֹא־יָבִין לָמוֹ:⁵⁰ יִזְכֹּר זֹאת

כִּי יִמְלֹל־לוֹ וַיִּבְשְׂרֵהוּ בַּעֲדֵנּוּ רַחֲ בִי־זִקִּין, יִשְׂמַח בִּי הַגִּיעַ אֵלָיו, מִשְׁאֲלוֹת
מְבֹרְכֵיו מֵלֹא⁵¹

כִּמְצָא זֶה־יוֹם שְׁקֹה וְלִבָּתוֹ עָלָיו רִטְפֶּשֶׁת, נִמְצָאוּ יָמֵי רָעָתוֹ, שָׁנִים לֹא
חָפִין בָּמוֹ⁵²

כְּמִבִּיתוֹ שִׁמְרָיו זָעֲזְעוּ וְאֲנָשֵׁי חֵילוֹ נַעֲנְעוּ, מַעֲטוֹ טַחְנוֹתָיו וַתִּקְהִינָה, וְרֹאזָתָיו
אֶסְפוּ נִנְהִם⁵³

כְּמוֹל צִפּוֹר יִתְנַדֵּד, וְצִלָּלוֹ שִׁפְתָיו וּבְנֵי שִׁירוֹ, אִם יֵשֶׁם בְּאַלְהִים בְּסֻלּוֹ
כְּכֹלוֹת כָּחוֹ לֹא יַעֲבֹהוּ:

גַּעַר הָיָה וַיִּבְעֲתֵהוּ חֲצִי דָם וּבָרַק מִמֶּרְתּוֹ, חֲמָתָם רוּחוֹ תִשֶּׁת, בָּמָה
יִכְלֹכַל וַיִּשָּׂא⁵⁴

⁴⁹ Comp. Gen. 26, 20; I Sam. 25, 10. Before מוֹמִי a word seems to be missing.

⁵⁰ Comp. Job 14, 20. 21. According to that וַיַּחלֵּף should be read instead of וַיַּחלֵּף.

⁵¹ Comp. Gen. 21, 7 (Ps. 106, 2). MS. has מְבֹרְכֵיו for מְבֹרְכֵיו.

⁵² Lam. 2, 16; Eccl. 12, 1. רִטְפֶּשֶׁת is to be compared with רִטְפֶּשׁ (Job 33, 25), but admits here of no satisfactory explanation; it seems to be a mistake of the copyist.

⁵³ On this and the following verse comp. Eccl. 12, 3. 14; Joel 2, 10 and 4, 15; Hab. 3, 16; Ps. 78, 7; 71, 9. MS. has זִעֲזְעוּ for זָעֲזְעוּ, מוֹעֲטוֹ for מוֹעֲטוֹ, וְצִלָּלוֹ for וְצִלָּלוֹ.

⁵⁴ Comp. Job 20, 25; 6, 4. MS. has וַיִּבְעֲתֵהוּ for וַיִּבְעֲתֵהוּ.

נִתְקוּ סִמְפוֹנֵי חֲדָרָיו בִּימֵי בַחֲזָרָיו בַּחֲקָדִיחַ, יִלְלִיל עַל־מִשְׁכָּבו וְלֹא־עָצֵק וְלֹא־
שָׁב עַד־הַמָּבֶהוּ⁵⁵

נִהְגַּ בְּיוֹנֶת אֱלֹם, יַעֲפֹץ כַּעֲנוּר וְכֶסֶם, וְהָיָה כִּי יֵרָאֶה הָרוּחָה וְהַכְּבִיד אֶת־
לְבוֹ וְהִקְשִׁיחַ⁵⁶

נִחְפֹּז לְלֶכֶת צֶאֱת כִּשְׁפָא מִבַּל־תִּקְוָה: ⁵⁷יִזְכֵּר זֹאת.

שָׁב וְחַשׁ כְּחוֹ, בָּלַע בִּקְרָה וְאָף עֵצֶר, ⁵⁸עַד שֶׁר רֵאשׁוֹנָה פָּקְדָה בָּאָה אַחֲרֵת
וְנִם מִבְּהִלָּה

סָם יֹאכְלֶהוּ בְּצֶמֶר, עֵשׂ יִבְלֶהוּ וְרִקְבוֹן, שְׁבַע יָמִים בָּרַב רָגַז מַעֲט וְרַעִים
וּמְרֻרוֹת⁵⁹

שִׁמְחוּ לוֹ גְּרֵי בֵיתוֹ נַעֲמֻתָיו כִּי יֵרְאוּ מַחוּצָה, וְלָבוּ יוֹדַע מִרְתּוֹ וְעָלוּ כִּי
נָטַל עָלָיו⁶⁰

סָע מִסַּע אַחֲרֵי מִסַּע אֶל־אֶרֶץ עֲפָתָה כְּמוֹ־אֶפֶל, שָׁלַף וַיֵּצֵא כְּבוֹא יוֹמוֹ
מִכְּלִישׁ וְתַעֲנוּג וְעִשְׁתָּנוֹת: ⁶¹

עָלָיו נִהְפְּכוּ צִירָיו, חִבְלֵי־מוֹת וְאִימוֹתָיו, שֶׁתָּה בֹס מוֹת מֵר וַיִּמָּץ חֲרָשִׁיהָ
יִגְרַם בְּקֶצֶף⁶²

⁵⁵ Comp. Hosea 7, 14; Isa. 9, 12. סִמְפוֹנֵי, veins, frequent in the Talmud.

⁵⁶ Comp. Ps. 56, 1; Isa. 38, 14; Exod. 8, 11; Isa. 63, 17. MS. has נִהָם for נִהָג (comp. Nah. 2, 8), וְכֶסֶם for וְכֶסֶם.

⁵⁷ Comp. I Sam. 23, 26; Eccl. 5, 14.

⁵⁸ Now for the first time he is able to suppress his wrath.

⁵⁹ Comp. Isa. 51, 8; Job 14, 1; Exod. 47, 9. MS. has יֹאכְלֶהוּ for יֹאכְלֶהוּ.

⁶⁰ Comp. Job 19, 15; Prov. 14, 10; Lam. 3, 28. מַחוּצָה, outwardly.

⁶¹ Comp. Job 10, 20; 20, 25; Ps. 146, 4.

⁶² Comp. I Sam. 4, 19; Dan. 10, 16; Ps. 18, 5; 116, 3; 55, 5; I Sam. 15, 32; Ezek. 23, 34.

עֲטִינוּ מִלֹּאז רֹאשׁ, וְלֵעַן עֲצֻמוֹתָיו יִשְׁקָה, כָּבֵה הַנֵּר וַיִּדְעָה, וְתִקְדֵּר נַפְשׁוֹ

בַּעֲרִיפָה⁶³

עֶצֶר חָבֵל בְּסָפּוֹ וְנִלְתָּ הַזֶּהב נִחְבְּסָה, אֲזָלוּ מִים מִן־יָמֹו וַיִּזְעַם כְּתָמוֹ הַטּוֹב⁶⁴

עֶפֶר מִי יִגְלֶה מַעֲיָנוֹ לְרֹאוֹת מַה־יְהִיָּה אַחֲרָיו: ⁶⁵יִזְכֵּר זֹאת.

כִּפְרָחָה נַפְשׁוֹ אֶל־מַעֲוֹנָה, לִיצוּעַ אֲשֶׁר יִצְעָתָהּ, בַּעֲרוֹר חַיִּים אִם זֶכֶה

וְהַמְרִשֶּׁת בְּתוֹף כֶּף הַקָּלֵעַ⁶⁶

כִּפְרָדָה מִתּוֹף נִדְנָה, וּכְל־שִׁבֵּן מֵאֵח וְשׁוּעַ, גַּם־זֶה רָעָה חוֹלָה כִּי נוֹתָרָה

כַּצֶּהוּר נִזְדַּרְתָּ⁶⁷

כִּפְרָדוֹ הִרָה וְהַעֲנֵג, אֲשֶׁר כָּל־יָמָיו יַעֲזֹרְדָנוּ, נִמָּאֵם וְנִטְבֵּל בַּשַּׁחַת, וְנַפְשׁוֹ

עָלָיו אֲבָלָת⁶⁸

כִּפְנֵי לְבוֹשׁוֹ מִי יִגְלֶה וְרִיחוֹ מִי יוֹכֵל לְהַרִיחַ, פֶּקוּד וְנָתַן בְּאִשְׁמֵנוֹ לָעַת מִתֵּן

חֲחִשְׁבוֹן: ⁶⁹

צִוֵּר יִקְרָא לְרוּחַ מַעַל וְאֶל־הָאָרֶץ לְדִין בָּשָׂר, מִגִּיד לְאָדָם מַה־שָּׁחַד וְכֵל

אֲשֶׁר יִשְׁפַח יִזְכִּירָהוּ⁷⁰

⁶³ Comp. Job 21, 24; Prov. 13, 9 and elsewhere; Isa. 5, 30. לֵעַן = bibl. לענה.

⁶⁴ Comp. Eccl. 12, 6; Job 14, 11; Lam. 4, 1.

⁶⁵ Comp. Eccl. 3, 22; 6, 12; b. Soṭah 27b. MS. מעיניו for מַעֲיָנוֹ.

⁶⁶ Comp. I Sam. 25, 29; II Chr. 24, 7. MS. has לִישׁוּעַ for לִיצוּעַ, in the Bible only Hiph. and Hoph.

⁶⁷ Comp. I Chr. 21, 27; Eccl. 5, 15; Prov. 27, 8.

⁶⁸ Comp. Deut. 28, 54; Ps. 146, 9 and elsewhere; Job 9, 31; 14, 22.

⁶⁹ Comp. Job 41, 5; Isa. 59, 10.

⁷⁰ Comp. Ps. 50, 4; Amos 4, 13; b. Sanhedrin 91a (further sources are offered by S. Krauss, *Antoninus und Rabbi*, p. 63, note 1); Hagigah 5a. MS. יזכרהו for יִזְכִּירָהוּ.

צִדְקָה לְנַפְשׁוֹ בְּהַמָּצֵא תֹאזֵר בְּאֹזֶר הַחַיִּים בְּדֶק, וּבְחֶלֶד בְּהַכְחֵד שֵׁם פָּנֵי

אֵל לֹא יִתְמוּ שְׁנוֹתָיו⁷¹

צִפֹּן אֱלֹהִים אוֹנוֹ אִם רַבּוֹ פִּשְׁעָיו וְלֹא יָשָׁב, יִקְבְּצוּ פָּנָיו פֶּאֶרֶז, תֹּאכְלֶהוּ אִשׁ

לֹא־נִפְחָ⁷²

צִפּוֹ עֵינָיו בִּידוֹ, שְׁעָיו יִחַרְק וְנִמָּס׃⁷³ יִזְכֹּר זֹאת.

קִינָה הִיא וְקִוְנָה בְּנֵי אָדָם עַל־נַפְשׁוֹתָם, טָרַם יִסְפְּדוּ הַסְּפָדִים יִקְדְּמוּ

מִרוּחַ בְּמַר בְּכִי⁷⁴

קִיא צֹאָה בְּג' עוֹלָמִים, קִיקְלוֹן עַל־כְּבוֹדוֹ, קָמַל טוֹבוֹ וְהַחֲפִיר, קִדְרָנִית

כָּל־תְּהִלּוֹכָיו⁷⁵

קִינָן הַתֵּר יִמָּאֵס גְּבַר, אִף כִּי אֶסּוּר וּמְנוּעַ, קִבְּצַת הוֹן מִה־יִּסְכָּדָלוֹ,

וּמִה־יִתְרוֹן לוֹ בְּכָל־עֲמָלָיו⁷⁶

קִטְנָנוּ בְּעֵינֵינוּ אָנוּ, לְמִי אֱלֹהִים הֲלֹא לָנוּ, מֵאֲסָנוּ עוֹלָמָנוּ מֵאֲסָנוּהוּ, מֵאֲנָה

לְנִגְוֵעַ נַפְשָׁנוּ.⁷⁷

רַבּוֹ פִּשְׁעֵינוּ עַד לְמָאֵד, וּמֵהֶם רַבּוֹ רַחֲמִיָּה, עֲמָקוֹ מִשְׁפָּטִיָּה עַד לְתַהוֹם

וּצִדְקָתָהּ כְּהִרְרִי אֵל תִּכְבָּשֵׁם⁷⁸

⁷¹ Comp. Job 33, 30; Ps. 102, 28.

⁷² Comp. Job 21, 19; Joel 2, 6; Nah. 2, 11; Job 20, 26.

⁷³ Comp. Job 21, 20; Ps. 112, 10.

⁷⁴ Comp. Ezek. 32, 16; Jer. 16, 5; Amos 6, 7.

⁷⁵ Comp. Isa. 28, 8; Hab. 2, 16; Isa. 33, 9; Mal. 3, 14. ג' עוֹלָמִים
are no doubt עוֹלָמוֹת, עוֹלָמוֹת, and יְמֵי הַמָּשִׁיחַ.

⁷⁶ Comp. Job 35, 3; Eccl. 1, 3.

⁷⁷ Comp. I Sam. 15, 17; Job 6, 7.

⁷⁸ Comp. Isa. 59, 12; Ps. 36, 7; b. 'Arakin 8b. For מִשְׁפָּטִיָּה MS. has
מִשֵּׁפ, the rest is worn off.

רָגַנְנוּ מִזְכָּר כָּל־אֱלֹה וְלֹא הִבְנֵנוּ לְאַחֲרִיתָנוּ, אֶתָּה אֱלֹהֵינוּ תִזְכָּרְנוּ, וְלֹא
תִמּוּד לָנוּ נָקָם⁷⁹

רַב לָהּ אָדָם מִתַּעֲבוּתֶיהָ, מַעַט רַע מַעֲשֶׂיהָ, אֶל־תִּגְדֹּל בְּנֶהָר יִשְׁחֹו פֶּן יִכְבֹּד
עָלֶיהָ שׁוֹבָה⁸⁰

רָאֵהוּ⁸¹ נָה פְּרִי תוֹרָה וְיִישֹׁר בַּעוֹלָם הַזֶּה, עַל־אַחַת בָּמָה כָּפְלָם לַעֲתִיד,
כִּי דוֹנָמָה הִיא לְיִשְׁכָּר טוֹב : יִזְכָּר זֹאת.

שָׁמַעְתִּי וְתָרַנּוּ בְטָנִי, גָּמְרָה דַּעְתִּי בְּאֶסֶר מִחֲלִי עוֹד לְחֲטֹא, לֹא אוֹסִיף
עוֹד לְכַסֶּלָה⁸²

שָׁכַל־עוֹד נִשְׁמָתִי כִי וְרוּחַ אֱלֹה בְּאִפִּי אֲרִיזָה דְּמַעְתִּי חֲטָאתִי, אֲנַהֶף עוֹנִי
בְּנִמְרִין⁸³

שָׂדֵי אֶתָּה יִצְרָתָנוּ חוּס וְרַחֵם עַל־יִצְוֵרֶיהָ, נֶצֶר מִטְעִיהָ אֲנַחְנוּ, חֲמַל־נָא
מִעֲקוֹר נְטוּעִי⁸⁴

שׁוֹבָה וְהִשִּׁיבֵנוּ בַּחֲסִדֶּיהָ וְעַל־רַעְתָּנוּ אֵז תִּנָּחֵם, לֹא נִבּוֹשׁ מִכָּל־עִלּוּתֵינוּ
בְּכַפְרָה לְכָל־אִשֶּׁר עָשִׂינוּ⁸⁵

⁷⁹ Comp. Deut. 32, 29; Ps. 73, 17. רָגַנְנוּ, we have acted foolishly,
comp. Ibn Janah, s. v. רָגַן. הִבְנֵנוּ = הִבְנוֹנוּ.

⁸⁰ Comp. Ezek. 44, 6; 47, 5.

⁸¹ MS. רָאִי.

⁸² Hab. 3, 16. For אוֹסִיף, following Ps. 88, 9, we should perhaps read
אֲשׁוּב.

⁸³ Comp. Job 27, 3; Isa. 16, 9. בְּנִמְרִין is strange, we would expect בְּמִרְיָן.

⁸⁴ Comp. Isa. 60, 21; Eccl. 3, 2. MS. מִטְעִיר for מִטְעֵר.

⁸⁵ Exod. 32, 12 and elsewhere; Zeph. 3, 11; Ezek. 16, 43.

הַחֹשְׁבִים אֶנְחָנוּ לְפָנֶיהָ, מַעֲט יָמֵינוּ עַל־אֲרִיז, בְּקִשְׁנוּ סְלִיחָה וְהוֹאֵלָנוּ, אוֹלֵי

נִמְצָא חַן בְּעֵינֶיהָ⁸⁶

הָעֹשֶׂה עִמָּנוּ לְשִׁמּוֹךְ כִּי יִדְעֵנוּ כִּי אֵין מַעֲשֵׂה, תִּיטִיב אַחֲרֵיתָנוּ בְּרִצּוֹנָהּ וְחֻקֵּיתָנוּ

לֹא תִכְרַת⁸⁷

הַיֹּאֲרִיד אֶפֶס עִמָּנוּ וְתִהְיֶה תַחֲטֹם־לָנוּ, תִּתְּנֵהּ בְּמִדַּת חִינוּתֶיהָ מוֹדַעַת

זֹאת מְנִיעַד⁸⁸

הָעֵנִיתָנוּ תֵּהֵא כְּפָרְתָנוּ וְחֲשִׁנִּיק⁸⁹ נִבְשָׁנוּ לְמַחִילָה לָּהּ, תִּרְצֶה תְּשׁוּבָתָנוּ

לְחַיִּים וּמִבְּנֵי הָעוֹלָם הַזֶּה תְּשִׁימָנוּ:

⁸⁶ Comp. I Chr. 29, 15; Gen. 47, 25.

⁸⁷ The first half of the verse follows the prayer והוא רחום, the second half follows Deut. 8, 16; Prov. 23, 18; 24, 14. MS. ברצונך for ברצונָהּ.

⁸⁸ Comp. Isa. 48, 9; Isa. 12, 5; Job 20, 4. חִינוּתֶיהָ is improbable, perhaps חִינוּתֶיךָ.

⁸⁹ Affliction; in this sense the word was also used by the Hebr. Ben Sira 31, 19 (Strack, whose edition lies before me, translates "inner suffocation," but the contents do not favor it; comp. Kohut, *Aruch*, s. v. שִׁנָּה and (תְּשִׁינָה). לְמַחִילָה, MS. לְמַחֲלָה (defective).

RECENT BIBLICAL LITERATURE

A Dictionary of the Bible. By JOHN D. DAVIS, Ph. D., D. D., LL. D., Professor of Oriental and Old Testament Literature in the Theological Seminary at Princeton, N. J. With many new and original maps and plans and amply illustrated. Third edition, revised throughout and enlarged. Philadelphia: THE WESTMINSTER PRESS, 1911. pp. vii + 840 + XIV maps.

IN the language of the author, the book aims to be a dictionary of the Bible, not of speculation about the Bible. It seeks to furnish a thorough acquaintance with things biblical. To this end it has been made a compendium of the facts stated in the Scriptures, and of explanatory and supplementary material drawn from the records of the ancient people contemporary with Israel. In other words, critical discussions are avoided; where they are at all suffered to come in, the spirit is unequivocally traditional, orthodox. The main feature of the Dictionary therefore consists in arranging the scattered references bearing upon an article with little regard to divergences of sources. Such a work no doubt fulfils a want; it has gone now through three editions.

Kurzgefasstes Lehrbuch der speziellen Einleitung in das Alte Testament. Von Dr. KARL HOLZHEY, Professor der alttestamentlichen Exegese am Kgl. Lyzeum in Freising. Paderborn: FERDINAND SCHOENINGH, 1912. pp. ix + 217.

Practical Handbook for the Study of the Bible and of Bible Literature. Including biblical geography, antiquities, introduction to the Old and the New Testament, and hermeneutics. By Dr. MICHAEL SEISENBERGER, Royal Lyceum, Freising. Translated from the sixth German edition by A. M. BUCHANAN, M. A. (London) and edited by the Rev. THOMAS J. GERRARD. New York: JOSEPH F. WAGNER, [1911]. pp. xii + 491.

Knowing the Scriptures. Rules and methods of Bible study. By Dr. ARTHUR T. PIERSON. New York: GOSPEL PUBLISHING HOUSE, [1910]. pp. 459.

Introduction to Bible Study: The Old Testament. By F. V. N. PAINTER, DD., Litt. D., Professor in Roanoke College. Boston and Chicago: SIBLEY & COMPANY, [1911]. pp. xi + 265.

The Great Epic of Israel. The web of myth, legend, history, law, oracle, wisdom and poetry of the ancient Hebrews. By AMOS KIDDER FISKE, A. M. New York: STURGIS & WALTON, 1911. pp. xi + 376.

The Old Testament. By the Rev. H. C. O. LANCHESTER, M. A., Rector of Salle, Norfolk. New York: LONGMANS, GREEN, and Co., [1911]. pp. vii + 251.

A Short Introduction to the Old Testament. By the Rev. F. ERNEST SPENCER, Vicar of All Saints', Haggerston. London and New York: LONGMANS, GREEN AND Co., 1912. pp. viii + 224.

Introductory works to the Bible, according as they deal with the collection as a whole (history of the canon or text) or with the several books singly (contents and critical questions concerning composition and authorship), are either general or special; they may of course also be both. Such books are as a rule intended for the student; whether the manner of presentation be copious or concise, it is nevertheless always argumentative. A further variety will consist in an outline of the history of biblical literature as the single productions follow each other in time interspersed with an account of the fortunes of the Jewish people and of its spiritual progress; a work of this kind, though ambitious in its pretensions, is particularly serviceable in the hands of a popularizer who knows how to utilize the labors of others and possesses the gift of language to turn the dry technical learning into pleasant and interesting reading. All of these varieties are represented in our list. Holzhey has written a special introduction to the Old Testament. What singles his work out among so many others that have preceded it is not so much the neatness with which the contents are summed up or the critical position set forth, or the

rich bibliography at the end of each paragraph, but rather the circumstance that the writer who accepts the theories of the dominant critical school is a Catholic and that his book has received the episcopal *imprimatur*. As a work of succinct information it will commend itself to all Catholic students for whom it is primarily designed.—Seisenberger has compressed within a volume of moderate bulk, over and above a general and special introduction to the Old and New Testament, a Geography of the Holy Land, a Biblical Archæology, and a treatise on the Science of Interpretation (Hermeneutics). The whole is written in simple language suitable to the understanding of the less mature student and the educated layman. Unlike his colleague and co-religionist Holzhey, Seisenberger is unrelenting to the critics. His procedure is to give on every debated point the traditional account with which the modern (critical) theory is contrasted; then there follows a refutation which moves in the track of the usual harmonistic exegesis common to all opponents of the critics, be they Catholics, Protestants, or Jews. It must be owned that the picture of the critical position is somewhat overdrawn. But we cannot cavil at the Churchman who finds much that is precious to him at stake if he follows out the critical theories to their logical conclusions. It is crudely, but none the less truly, brought out that according to the critics the priests who foisted upon a credulous king or people a newly composed code of laws as Mosaic were forgers, the whole of Judaism and Christianity based upon it is the outcome of repeated acts of deception and not of divine revelation, and Jesus himself who speaks of Abraham as the founder of the race, of Moses as a writer, and of David as a psalmist, was himself ignorant and therefore could not be God. The author refuses to turn the traditional account of the religious development of Israel upside down. Polytheism is but an aberration; it was preceded by a primitive revelation which was for some time obscured. The teaching of the Church on the subject of inspiration is shown to be intermediate between the broad conception which allows for a book originating in a merely human way, without supernatural intervention of the Holy Ghost, to be called inspired, if the Church under the guidance of the Holy Ghost admits it to the Canon (modernist position), and the narrow conception which assumes

that every word was a matter of divine communication. Thus with the rejection of verbal inspiration it becomes possible to make allowance for the human individuality of the sacred writers which expresses itself in a particular phraseology. On the other hand it is maintained that the choice of many most important words and expressions, "such as *Elohim*, *Yahweh*, *Logos*, *Sophia*, *Mashiach*," was made through inspiration. The editor (p. vi) calls attention "to a theological distinction which would seem to have come into prominence since the author first wrote his book, and which does not appear to have been made sufficiently clear even in the latest edition. It is the distinction between inspiration and revelation. All the Bible is inspired, but not all the Bible is revealed. A sacred writer, for instance, might write down an account of an event as he had seen it or heard it from an eye-witness. The source of his information is purely natural. In writing it down, however, he does so under the influence of that supernatural charism which is known as inspiration. On the other hand, he might have the knowledge infused into his mind directly by God." Such a position will naturally make room for some or all of the concessions to criticism found in Holzhey, himself the author of a treatise on the question of inspiration. The Christian religion as administered by Rome is a very restful thing. On matters of weighty concern whether they be classed as dogmas or doctrines the Church has made pronouncements which no faithful son of Mother Church can challenge. His mind is therefore set at rest and there is no room for doubt or contrary opinion. The Catholic scholar may still find scope for setting forth and elucidating and sometimes also of defending the truth, but he can do no more. Where Rome has not spoken, and Rome often wisely abstains from speaking, the Catholic student is free to exercise his critical faculty and seek the truth according to the approved canons of scientific research. The works of both these Catholic teachers are among a host of others a witness to the fresh impulse given to biblical studies among Catholics by Pope Leo XIII in his Encyclical Letter *Providentissimus Deus* (November 18, 1893) of which an English version is printed in Seisenberger's Handbook on pp. 159-179. The purport of that pastoral letter was to re-assert the solicitude of the Church for the cultivation of Holy Scripture and to lay down

rules for "carrying on successfully the study of biblical science" to the clear end that the errors of rationalism, "the peremptory pronouncements of a newly invented *free science*," might be combated with the weapons of criticism. It thus meant a counter-reformation in studies biblical. "The Church by no means prevents or restrains the pursuit of biblical science, but rather protects it from error, and largely assists its real progress. A wide field is still left open to the private student, in which his hermeneutical skill may display itself with signal effect and to the advantage of the Church. On the one hand, in those passages of Holy Scripture which have not as yet received a certain and definite interpretation, such labors may, in the benignant providence of God, prepare for and bring to maturity the judgment of the Church; on the other, in passages already defined, the private student may do work equally valuable, either by setting them forth more clearly to the flock or more skilfully to the scholars, or by defending them more powerfully from hostile attack."

An orthodox Protestant exposition of the rules and methods of Bible study in a popular style or rather in the manner of a preacher discoursing before his congregation is the work of Pierson. It is a trifle diffuse for the average seeker after information. But to those in need of edification or of an exposition which addresses itself not so much to the intellect as to the heart the book will no doubt appeal.

Professor Painter's work is intended for school use. Its purpose is to set forth the literary, historical, and ethical value of the Bible. Within its compass and for the readers contemplated the small volume is admirably written.

Mr. Fiske may rightly boast of "a capacity of setting forth clearly what he learns and thinks, to be 'understood of the people'." His style is certainly masterly. His source of information is largely the "Encyclopædia Biblica"; but he is somewhat mistaken when he tells us that "comparatively little has been added since its publication." As a restatement in clear and fascinating language of all that is "too detailed, too argumentative, too heavy or too dry" in the lore of specialists Mr. Fiske's volume will no doubt appeal to a large class of readers who unable or unwilling

to wade through the mass of argument or discussion will be pleased to find laid before them the conclusions of at least one set of scholars who belong to the dominant school. In order to revive the waning interest in the Jewish Scriptures the author proceeds to divest them of all authoritativeness as inspired documents. "The common intelligence will no longer accept the dogma that they are divine revelation, except as divine revelation is to be traced in all human development; or that they are the specially inspired word of God and contain in all parts infallible truth, to be unquestioningly accepted, for the common intelligence has come to know better. It has been taught to discriminate and to apply reason, and its liberty is not to be excluded from this one field. All truth may be accounted divine, all great thoughts and noble sentiments may be regarded as inspired, but no more in this literature than in others, ancient and modern. The voice of God did not vociferate (*sic*) in one small country for a few centuries and then fall into silence," and so on. Accordingly, though recognizing the genius of the "peculiar people" on the moral if not on the intellectual side, he is amazed at their "superior pretension" arising out of an indomitable self-assertion and consisting in imposing their literature, described on the title-page as a "web of myth, legend, history, etc.," upon a credulous world "at their own valuation." Myths pervade the Jahvist and Elohist, the stories of the heroic period and of the beginnings of the monarchy are steeped in legend, and the history of the two Kingdoms was compiled rather "with a view to edification for the future than information of the past." The prophets who developed out of "diviners or soothsayers" had many "crude and barbarous" conceptions with regard to the deity and the "worldly destiny" of their own nation; but withal they taught lofty ethical principles which constitute the peculiar contribution that the Hebrew genius made to mankind. The burden of the later prophets from the Second Isaiah down to the Second Zechariah was the promise of world dominion born of the "imagination of the wandering Jew who believes that the covenant with Abraham, Isaac and Jacob is still to be kept." In the Law, the vitality of the ethical principles inherited from the prophets "was impaired in the stress laid upon formal observances and ceremonies. As a whole this law is

an unattractive and uninspiring mass of dead letter Its ethical standard is not higher than that which already was appearing in Greek literature and philosophy. Even the conception of deity was less lofty than to be found in the poetry and philosophy of Greece at the time of the second temple. Nevertheless, the influence of this Mosaic heritage upon the later religious development and upon the destiny of mankind for ages has no parallel in human history." "To accept the book of Esther as historical or as in any sense a narrative of facts is no more rational than believing in Jonah's three days' sojourn in the stomach of a 'great fish' It is interesting as illustrating the character and spirit of the Jews in Judea in the last centuries before the Christian era, the spirit of the Maccabees and of those who crucified the gentle teacher of Nazareth." The "I" of the Psalms signifies the personified community. "The wonderful thing about all these varied utterances that sprang from the devoted community of which the temple at Jerusalem was the center and the synagogues were scattered branches, is their adaptation to human moods and needs and aspirations in the individual man, which has made of them an anthology of religious devotion and worship for all time." It is an extravagant claim to regard the book of Job as a virtually faultless production. "It contains subtle delineations and some powerful descriptions, but it does not reach the profound depths of philosophy touching human life that were sounded in Greek tragedy of nearly or quite the same period, and does not excel in power of description, splendor of imagery or force of expression, the greatest passages of Greek poetry." The author's concluding estimate of the "epic" is that it is "massive, conglomerate, amorphous, inartistic, but imposing, with much that is precious to mankind mingled in its great bulk with much of grosser quality, the deposit of centuries in which the treasures were stored. Losing the cement of sanctity it may disintegrate, but that which is precious can never be lost."

Mr. Lanchester's object is likewise to popularize the results of the higher criticism which in his opinion has come to stay; but he is not bound hand and foot to all of its vagaries some of which may now be refuted by the aid of archæological finds. Above all

he writes with sympathy and reverence. He dissects and dissevers, but the parts do not become infinitesimal. He compares and seeks to establish literary dependence, but only to prove to himself and to others how far above comparison is for instance the first chapter of Genesis. Though he concedes much to a sane criticism, he is emphatic in having to give up nothing that is vital in the value of the Old Testament. What Mr. Fiske designates as myths, are to him "theological conceptions." It is still in his judgment a book of unique and incomparable significance, first as the depository of the thoughts of one of the most gifted nations of the ancient world, then as unapproachable in most of its parts from a purely literary point of view, and lastly as the record of the self-revelation of God to His chosen people.

While the critics have a friend in the rectory of Salle, Norfolk, they are apparently not well received in the vicarage of All Saints' in Haggerston. Mr. Spencer is a well-informed and well-read man; he has perused the great mass of modern critical writings down to the latest German brochure; but he has succeeded in persuading himself that the higher critics are losing ground. He believes that archæology has come to the rescue of the traditional position. He is shocked at the slur which an exponent of Wellhausenianism casts upon the traditionalists as "censorious persons." Among the latter, he thinks, are scholars of eminence, such as Hengstenberg, Keil, Bachmann, Gasser, Möller, Oettli, Klostermann ("who stood out, excommunicate"), and others. Genesis, he argues, will be allowed to be the testing ground of the critical analysis. "If it is uncertain here it is uncertain everywhere. Now let the English reader take a Genesis in which the sources are indicated in different colour or type, and the process will appear strange and unnatural. An interesting, beautiful, and very old story is observed to be distorted and perplexed. Sometimes the climax, to which all leads up, is snipped off" (p. 73). "The cutting up of most of the Hebrew prophets into fragments, with an entire contempt for Hebrew literary tradition, which is the delight of the German intellect, seems to me to be based upon precarious principles" (p. 111). He has no scruple, on the authority of Sirach, to accept the Isaianic authorship of the second

part of Isaiah. "The Deutero-, Trito-, and many other Isaiahs tend to dwarf the original Isaiah" (p. 112). "All men agree that David wrote the kinah on the death of Saul and Jonathan and the kinah on the death of Abner. The man who could write such poems was a master of his art. He could turn his hand to other and even deeper themes. By this admission the fancy portrait of David as a half-heathen savage is shattered His people were right in attributing to David, magnanimous, brave, and a genius, poetry that has stirred the heart of the world, and which tells to-day his faults as well as his virtues" (p. 163). Accordingly there is a substantial portion of genuinely Davidic productions in the Psalter. "I am aware that there is a general agreement among Hebrew scholars that the language of Koheleth is impossible to Solomon, and much later But it may also be said, and has been said by many competent scholars, including Pusey, that the language is not decisive. The whole tone and substance and manner of the book is like Solomon's old age With regard to the language it may be said that the language is not the language of any post-captivity writing. It is only peculiar and supposed to be late. Now just in this matter there seems extreme danger in a too confident critical position. For it is certain that Solomon, and especially in his old age, was an expert linguist in cognate dialects. It is not conceivable that he held converse with his numerous foreign wives in dumb show. He must have thought and spoken in dialects allied to but not the same as his native tongue. And it is not unnatural to his old age, therefore, that his language, though still pure Hebrew in the main, should have a colour of foreign words and foreign turns of expression given to it" (p. 195). I fear that readers who are a bit more familiar with the history of the Hebrew language than the author shows himself to be and perhaps with the recollection of what Krochmal has said about the language of Koheleth will be tempted to smile at the well-intentioned but naively absurd theory with which we are here regaled. Of an equal merit is the author's brief for the *ketib* in Josh. 5, 1. Verse 6 (לָנוּ; the Septuagint, by the way, read also לאבותנו) cannot be cited in support, as any Jew might so have expressed himself at any time. The *ketib* in verse 1 is a plain error due to aberration of the eye to 4, 23. The Masoretes

had no compunction about correcting it. The *kere* is substantiated by the Septuagint. To a reader coming from Wellhausen the booklet may prove a serviceable antidote. But criticism will have to be demolished with more formidable siege-works.

Reasonable Biblical Criticism. By WILLIS J. BEECHER, D. D., Professor of Hebrew Language and Literature, Auburn Seminary (1871-1908). Philadelphia: THE SUNDAY SCHOOL TIMES COMPANY, 1911. pp. xvii + 335.

Wider den Bann der Quellenscheidung. Von Lic. theol. WILHEM MOELLER. Gütersloh: C. BERTELSMANN, 1912. pp. 229.

Über Doppelberichte in der Genesis. Eine kritische Untersuchung und eine prinzipielle Prüfung. Von Dr. ARTHUR ALLGEIER, geistlicher (*sic*) Lehrer am Friedrichsgymnasium zu Freiburg im Breisgau. (*Freiburger Theologische Studien.* Unter Mitwirkung der Professoren der theologischen Fakultät herausgegeben von Dr. G. HOBERG und Dr. G. PFEILSCHIFTER. Drittes Heft.) Freiburg im Breisgau: HERDERSCHE VERLAGS-HANDLUNG, 1911. pp. xvi + 143.

I. *Mose* 14. Eine historisch-kritische Untersuchung. Von D. JOHANNES MEINHOLD, Professor der Theologie in Bonn. (*Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft*, XXII.) Giessen: ALFRED TOEPELMANN, 1911. pp. 50.

An Introduction to the Pentateuch. By A. T. CHAPMAN, M. A., Emanuel College, Cambridge. (*The Cambridge Bible for Schools and Colleges.*) Cambridge: at the UNIVERSITY PRESS, 1911. pp. xx + 339.

Professor Beecher's attack on the critics equally falls short of the mark. The reader expects a "counter-critique"; the title of the book, "Reasonable Biblical Criticism," leads him to suspect concessions of a certain kind. But nothing of the sort happens. You cannot offset criticism by allegorical interpretation, by imputing to the sacred writers thoughts that are foreign to their language, nor by a multitude of harmonistic devices. If the work succeeds in confirming in their inherited beliefs the particular kind

of readers to whose level of culture its homespun style descends, it will have achieved its purpose; I doubt whether it will produce even so much as a ripple in the circles of the critics and their immediate disciples.

On the other hand, Möller's work ought to command attention. He meets the critics on their own ground. His book consists of two parts: a negative and a positive. In the former he takes up the reasons which have led to the analysis into "documents." He shows that the doublets or parallel accounts, if they are to serve as a clue to disentangling the knot, issue in a deadlock. There remain doublets within one and the same document that still are left to be accounted for. Apparently it is all a matter of degree, since a certain amount of duplication is considered harmless. Where then is the line to be drawn? And if an attempt is made to carry the analysis to its logical conclusion, the "documentary" theory resolves itself at the hands of Gunkel and Sievers for instance into the "fragmentary" hypothesis; the "documents" accordingly cease to be such and the text is broken up into an amorphous mass of infinitesimal parts, disjointed, without unity or character. As for the criterion of divine names, it likewise breaks down. Somehow the ancient writers forget themselves and introduce JHVH where you expect ELOHIM and vice versa. The critics thus cornered lay the blame at the door of the compiler or editor. But who is to tell where his exercise of authority stops? For the current conception of the editor is that he is altogether mechanical: he transcribes the "documents" word for word, he is blind to contradictions and incongruities, he is perturbed by no duplication, so long as he can save from the ancient documents all that is possible. But once you grant that his individuality asserts itself, and occasionally also beyond the assumed brackets in long portions which show literary skill, he really becomes an author; but then it becomes apparent that he does not mechanically transcribe at all, he uses his "sources" intelligently like so many an ancient or modern historian. And to return once more to the divine names, the one Elohist of the earlier critics received at the hands of their successors a twin-brother; but now it is becoming evident that there was a third

Elohists who is the most archaic. For in certain legends of Genesis which critics are constrained to place in pre-Israelitish times, the destruction of Sodom and Gomorrah is an instance, Elohim is a non-descript appellation of the deity as might have been current with any people. As an analogue one may think of the philosophic-sceptical use of Elohim in Koheleth. But if this be true, that is to say if the choice of the divine name be conditioned in the subject-matter, it ceases to be a criterion of authorship, as one and the same author would be led by the subject in hand to discriminate. If style and phraseology are to serve as indices of disparate authorship, it is all well enough if the documents are sufficiently lengthy to show all those traces of linguistic individuality; but when, as with Gunkel and Sievers, J and E and P are split up into multitudinous fragments, the similarity of language in certain groups of fragments becomes a puzzle. Möller is sensitive of the fact that to overcome the dominant method of criticism mere fault-finding and negative criticism will not avail. Hence in the positive part he proceeds to show by an example (the story of Abraham, Gen. 11, 27-25, 11) how by a more profound delving into the intent of the sacred writer supposed difficulties disappear and all assumes a harmonious aspect. As in the case of Eerdmans, we are ready to admit that criticism has been too facile with its universal remedy and that often the malady which they sought to cure was but imaginary. What differentiates the latter-day commentary to its disadvantage is the unwillingness to do exegetical work pure and simple of the kind that an earlier generation laboriously engaged in; to operate with the analysis of the texts carried to an absurd point is after all an easy matter. With a modicum of linguistic preparation (and it takes a life-time to enter into the fine points of Hebrew construction and style) and with the dissecting method which one so readily acquires and imitates, the commentary is all ready, almost made to order. If our present fashion of shallowness is to pass away and make room for the seriousness with which Holy Writ should be studied, a little scepticism concerning the efficacy of the analytical method will go a long way. Let us be grateful to those who are willing to inject this wholesome doubt into the minds of Bible commentators. The result will probably be a saner criticism held in check

by sound learning and a sense of responsibility which will shrink from vagaries. Möller's little book accomplishes the important service of stirring our conscience as expounders of Scripture.

We have had occasion to see how divided even modern Catholics are on the critical position. Another example is furnished by the work of Allgeier who, at least for the book of Genesis, endeavors to refute the arguments for the existence of parallel (and contradictory) accounts which were advanced in a monograph by Schulz published in 1908. The harmonistic devices are much the same as elsewhere in the works of the traditionalists though bolstered up by much erudition. The second part of the work which deals with the dogmatic objections to the theory of duplicates is interesting as showing that no definition *ex cathedra* has so far been forthcoming in the Church with reference to the all-important matter of inspiration. Hence it is that for the time being a certain measure of freedom and divergence of opinion exists among Catholic dogmaticians which makes for the infiltration of criticism into the works of Catholic students of the Bible. The tone of the monograph, though polemical, is dignified; and since it is but proper that in a controversy both sides should be heard, Allgeier's work by the side of that of Schulz will hold its own. An intermediate position is certain to win out in the end.

In spite of all these attacks, it is but fair to say that a sane adherence to the dominant type of criticism is holding the ground. Professor Meinhold's monograph on the fourteenth chapter of Genesis is perhaps not a fair specimen of what is currently acceptable to a large body of critics. His demolition of the archæological evidence in favor of the historicity of the main points in the narrative goes a bit too far. Post-exilic Judaism is a convenient enough receptacle for accommodating all manner of literary productions for which one is unwilling to find a place in earlier epochs, chiefly for the reason that the centuries consecutive upon the work of Ezra are so obscure.—Unstinted praise belongs of right to Chapman's Introduction to the Pentateuch published as a part of the Cambridge Bible for Schools and Colleges. The current treatises on the subject are so technical and overmastering that we know of no work better suited to the

needs of the beginner than this admirable presentation by Chapman. A sober tone prevails throughout. Counter-arguments are brought to the attention of the learner and their force submitted to a searching criticism. It was a wise procedure not to entangle the student in all the ramifications of Pentateuchal analysis of the so-called advanced type. The broad outlines are sedulously kept in mind. As a work of information on the position of the Wellhausen school it will remain useful for some time to come in the hands of English-speaking students.

Egypt and Israel. By W. M. FLINDERS PETRIE, D. C. L., LL. D., F. R. S., F. B. A. London: SOCIETY FOR PROMOTING CHRISTIAN KNOWLEDGE, 1911. pp. x + 150.

Grundsteine zur Geschichte Israels. Alttestamentliche Studien von MARTIN GEMOLL. Mit zwei Karten. Leipzig: J. C. HINRICHS'sche BUCHHANDLUNG, 1911. pp. viii + 480.

Die Indogermanen im Alten Orient. Mythologisch-historische Funde und Fragen. Von MARTIN GEMOLL. Leipzig: J. C. HINRICHS'sche BUCHHANDLUNG, 1911. pp. viii + 124.

Professor Petrie, preeminent among living excavators and explorers of ancient Egypt, has written a popular work on the relations of the land of the Pharaohs and Israel. He begins with Abram, the shepherd prince, and concludes with the Christian age. He places the exodus in the year 1200 B. C.; he accordingly assumes from the mention of Israel as resident in Palestine in the stele of Merneptah that only a part of the Israelites went into Egypt. He describes the relations to Egypt in the period of the monarchy, the bearing of the Elephantine finds on the beginnings of the Jewish immigration into Egypt, the great Alexandrian colony, the temple of Onias the foundations of which were laid bare by him; he shows how the Logos doctrine was developed on the soil of Egypt, how again the discovery of the *Logia* of Jesus sheds light on the composition of the Gospels, how finally certain elements of the Egyptian religion have entered into Christianity. It is certainly a very useful treatise on a subject which will always excite interest. Petrie apparently has no difficulty about accepting the

sojourn in Egypt and the exodus as historical though no direct reference to either is found on the monuments.

Gemoll, on the other hand, is radical. There have been others who played fast and loose with the traditions deposited in the Bible concerning an event to which the sacred writers never weary of alluding. His starting-point is an investigation into the meaning of "Mišraim." Winckler's theories on a Mišr contiguous to but nevertheless outside Egypt are gone into at length. But the author arrives at the conclusion that the biblical Mišraim together with the land of Goshen are to be sought in Southern Palestine. It is there that Israel was oppressed, and the exodus means but a forced migration of some tribes further North, pushed out of their seats by a fresh wave of migration. By a series of daring and highly questionable geographical identifications Gemoll transfers Jephthah and Gilead from across the Jordan to the West; Jabesh-Gilead is the same as Jebus-Jerusalem (= Salem = Kiriath-jearim); the Canaanites and Kenites are made identical and both proclaimed non-Semites; with them are furthermore identified the Horites = Ḥaru = Aryans whose capital Jerusalem was; the Hyksos were likewise Aryans; mount Zion was the "mountain of Jahveh," and Pereš-Uzza is but the deformed Iranian *pairidaeza* = paradise; the high-priest Aaron and Araunah upon whose threshing-floor David built an altar are brought together with the Iranian deity Varuna; Jahveh accordingly becomes Yima-Yama, Ahura-Varuna's twin-brother. The sum and substance of all these novel contentions is that Jahveh though indigenous in Canaan was derived by the Israelites from the Aryans in Palestine. In his subsequent work, "Die Indogermanen im Alten Orient," a mass of Celtic lore is adduced to show that the population which occupied Palestine in pre-Israelitish times was not specifically Indo-Iranian, but rather generally Indo-European and that the invasion proceeded from the West. I doubt whether sober-minded scholars will take seriously all these lucubrations of a fertile imagination; it suffices to mention that in the newer work Abraham is brought together with King Arthur and Lot with Lear. What a stupendous amount of lost labor! That here and there something may be found to learn from his observations we will not gainsay. But the two

works must be judged by the general theories rather than by the details, and the former are untenable alike in method and results.

The Source of the Christian Tradition. A critical history of ancient Judaism. By EDOUARD DUJARDIN. Revised edition, translated by JOSEPH McCABE. [Issued for the Rationalist Press Association, Limited.] London: WATTS & Co., 1911. pp. xvi + 307.

Sociological Study of the Bible. By LOUIS WALLIS. Chicago: the UNIVERSITY OF CHICAGO PRESS, [1912]. pp. xxxv + 308.

Geschichte der Alttestamentlichen Religion. Kritisch dargestellt von EDUARD KOENIG, Dr. Phil. u. theol., ord. Professor u. Geheimem Konistorialrat. Gütersloh: C. BERTELSMANN, 1912. pp. VIII + 608.

Die Dämonen und ihre Abwehr im Alten Testament. Von Dr. Phil. ANTON JIRKU. Leipzig: A. DEICHERT'sche Verlagsbuchhandlung Nachf., 1912. pp. VIII + 99.

Resting on the hypercriticism of Maurice Vernes "who has proved that the compilation of all the biblical writings, especially the prophetic works, must be placed later, not only than the destruction of the ancient kingdoms, but even than the restoration," M. Dujardin makes a clean sweep not merely of the traditional account of the history of the Jewish people and of the Jewish religion, but also of the conceptions of the current school of criticism. With the composition of the biblical books placed in post-restoration times, all that is narrated in them concerning the long stretch of time antedating that event is pronounced mythical and legendary, and the "scientific" spirit has to content itself with the scanty allusions in extraneous sources to sketch the "early days" of Jewish history in all told eighteen pages. Pre-exilic Israel is reduced to the level of any of the petty peoples who were its neighbors, and "Jahveh, who afterwards became the one god of the Jews, the Eternal of the Christians, and the Absolute of the philosophers, cannot have been a less abominable idol than Camos (Chemosh) and Milcom." Jewish history begins in 588. The Restoration was the work of the Jerusalemites who had remained.

A few may have returned under Cyrus, but the founders of the Jewish nation must be sought among the miserable population which remained in the country. What we moderns call patriotism, nationalism, love of country, in Jerusalem all found expression in the name of Jahveh. The work of the school of Ezra—for Ezra himself may have been a fictitious person—consisted in the prohibition of any other cult than that of Jahveh, of any representation of the deity in a material form, and of mixed marriages. A hierarchy was established and the Sabbath and circumcision were made national institutions. When this work was done, Jewish literature began. The first pages of the Mosaic books were written about the middle of the fifth century. The Jahvist-Elohists projected their own theories into the past. They composed the narrative of the beginnings to square with their latter-day needs and wishes. The year 409 is the approximate date for the promulgation of Deuteronomy. The Elephantine Jews who turned to Jerusalem soliciting their interest in the restoration of their destroyed temple opened the eyes of the hierarchy to the necessity of safeguarding the monopoly of Jerusalem. The Deuteronomic Law is the expression of the imperialist policy of Jerusalem; just as the Priests' Code belongs to the period when the state of Jerusalem had definitely secured the hegemony over one half of Palestine coinciding in the main part with the beginnings of prophetism in the Greek era. Hellenism gave the impetus to prophetism. Over against the ruling aristocracy with their tendency to Hellenization there arose the prophets as leaders of the nationalist democracy. Hosea and Amos and Jeremiah and Ezekiel and Isaiah are but fictitious names; the real authors lived in the troublous times of the Hellenist invasion. The prophets and Scripture in general were internationalized in aftertimes; in their own day the prophets were the protagonists "not of justice, but of the claims of their own people and their political party." The Second Isaiah closes the century of the prophets about 200; Daniel, in 164, inaugurates the era of the apocalypses. The Psalter intervenes as the hymn-book of the traditionalist party. In the Apocalypses Jewish imperialism has come to the despairing surrender of itself into the hands of the supernatural. It is then that religious faith is born. "That is the prodigy of the Jewish

soul. When all hope is forbidden, it still finds grounds for hope. It does not abdicate; it does not renounce; it persists in its dream of revenge, even when the foot of the Roman is upon it. But its indefatigable imperialism now demands that an angel shall come down from the heights of heaven." If Shammai counseled resistance, the meek Hillel simply bade the people not to despair but to believe and hope. Prophet-agitators arose who were the disciples of Hillel, among them John the Baptist and Jesus the Nazarene. The Jew of the Dispersion for a correct estimate of whom we must turn to Tacitus, bent to the inevitable but found strength in his confidence that he would conquer in the end. But with the idea of victory over their enemies was associated from the earliest prophets that of the revenge of the lowly over the powerful. That message won the lower classes of the pagan world. "Then through the Empire the news suddenly spread that the day of deliverance was at hand, and that, marvelous to relate, not only the Jews, but the Judaisers and all the lowly would come to them, would be invited to take their place in the kingdom of vengeance. This novelty was taught by a Jew of Tarsus, in Syria." The book issued from the Rationalist Press Association may appeal to the circles for which it has been translated, but hardly to sane readers whose canons of historical criticism will guard them against the vagaries of the "scientific mind."

The new point of view from which Mr. Wallis approaches the "Bible problem" is in his estimation the application of sociological method in explaining the evolution of the history of Israel and Judaism. The sum and substance of his reasoning for which the data have been culled from works of the dominant school of criticism (not always at first hand, though the author shows himself well-informed) is to the effect that the Hebrew nation, as known to history, arose at the point of coalescence between the incoming Israelite clans and the Amorite city-states already established in Canaan; that the amalgamation of the two heterogeneous elements entailed a long process during which nomadism and civilization fought for supremacy; hence for some time the nation was divided, one part in which the Amorite tendency was stronger worshipping the national god in the character of an ordinary,

"civilized" Baal, who countenanced the social system of civilization, with its universal slavery and its disregard of the common man, and the other where the old Israelite tendency was the more powerful claiming the national god as the patron of the old, brotherhood *mishpat*. "As a consequence, the evolution of Yahweh from a god of nomadism into a god of "civilization" was *obstructed*." That obstruction was the work of the prophets who stood for the ideals of ancient Israel. Through the fight against the Amorite gods the religion of Israel took on its world-renowned character of absolute exclusiveness, and through the struggle with civilization, the "Amorite iniquity," the prophetic *mishpat* was evolved. There were two classes of prophets, however, the "regulars" and the "insurgents." The pendulum sways: now the Amorite element predominates, now the Israelite. The prophets (of the "insurgent" class) are not to be classed with the modern socialist. They are not interested in the abstract question of "human rights"; they merely protest against the crowding of the less fortunate property-owners into the lower, enslaved class. When at length the Baal tradition was defeated, the prophets were silenced, and the Torah with its Church and hierarchy established itself. Under a new and subtle form, that of ritualism, the ancient Amorite tradition was brought back. The social problem was rejected by Judaism. Jesus was more than a prophet; he made himself "one" with the Redeeming God of the Hebrews. While Christianity began its history in the lower social strata, the Catholic Church rejected the social problem when the religion of Jesus became institutionalized; in terms of Old Testament evolution, the Catholic Church became tintured with "Amoritism." There was at length a great social revolt against the mediæval Church; but Protestantism likewise became externalized, and the social problem was once more pushed to the background. Modern society dissolves the ancient bonds between politics and religion. The modern Church cannot have a "social program," at best it may serve as a generator of moral and spiritual energy. The great social awakening in our days means that we are learning that human problems are caused not only by the bad will of individuals but by defective social arrangements. Sociology will assert itself as the synthesis of individualism and socialism.—Leaving aside

the sociological framework in which the author has expressed his ideas, the central thesis of the evolution of Judaism out of a conflict of nomadism and civilization has been taken over from Wellhausen and Stade and others. The question, however, how it came about that the new "variety" of religion as represented by that of Israel was evolved is not sufficiently answered by the circumstance that whereas the Normans, the Kassites, the Hyskos found national group-organizations already formed in the lands they conquered, the Israelites supplied the framework of national government and religion to the city-states of the Amorites. The query is still pertinent, Why did not Chemosh for instance develop on the same lines as Jahveh? The Moabites were nomads like the Israelites, and they found an aboriginal Amorite population on their settling in their new habitat. It would seem that a personal element is left out of account entirely, the personal equation which from the start made Jahveh and Israel unique.

One turns away with a sense of relief from all these interesting but nevertheless subjective constructions of the history and development of Judaism to König's monumental "History of the Old Testament Religion." On a previous occasion it was our privilege to refer to the eminent services of König in the province of the linguistic study of the Old Testament. The author thus comes excellently prepared for his latest work through the entire course of which a singular mastery of all the details of exegesis is maintained. But König's previous works, as for instance his notable "Introduction to the Old Testament" (1893) and his "History of the Kingdom of God" (1908), aside from minor publications, have fitted him as a critic and theologian. The signal feature of the present work, however, consists in its argumentative method which by the way distinguishes also König's linguistic works. Thus, while a positive development of his own theories concerning the weighty subject in question runs from beginning to end, there is nevertheless at every stage introduced a thorough review and discussion of the views which he is constrained to reject. The book will commend itself if for no other reason on the ground of this feature alone which enables the reader to study the questions independently and to review in his mind all possible

and impossible positions that have found sponsors. Readers who will consult their æsthetic pleasure or comfort as paramount will perhaps be repelled by the constant strain to which their reasoning and critical power is put by König, the student who values information of the right sort above literary entertainment will on the contrary be grateful to him for the all-round discussion of momentous problems. The layman of whatever description with perhaps a theory of his own ready-made has his natural preference for the neat theories; the scholar wants the facts, the hard facts which fit themselves with difficulty into any one system. König believes in criticism; he is an upholder of the documentary hypothesis; but he is conservative with reference to the order and dating of the documents. He places the Elohist before the Jahvist and the latter in Davidic times, while the Decalogue and Book of the Covenant (Exod. 21-23) are assigned to the Mosaic period. He emphasizes what is common to two or more of the sources and he establishes their credibility with regards to the events which they narrate. With such preliminary and basic principles he sets aside the crude evolutionistic notions which make of the pre-prophetic religion a polytheism or polydæmonism originating in totemism, animism, and the like. He questions the misnomer "pre-prophetism"; he knows of the *ancient* prophets and the *later* prophets. The first prophet of the monotheistic religion was Abraham and it meant a turning away and separation from magic and divination and the many gods and the sensual representations of them. König vindicates the historical character of the religion of the patriarchs and of Moses. The God of Moses was neither Canaanized in the sequel nor Babylonized. There is no ground for contrasting the prophetic religion and the "Volksreligion." Apostasy existed; but withal the "legitimate" religion maintained itself. It was kept alive in the prophetic guilds who carried on the Mosaic traditions. The "prophets of action" (a phrase adopted from Herder) were followed by the oratorical (literary) prophets. Their work consisted in leading the people back to fidelity to their ancestral God. There was nothing new in their message. They were not founders of the religion of Israel. Nevertheless they contributed noteworthy moments towards the spiritualization of the character and worship of God. They equally spiritualized the

conceptions of the Kingdom of God and of the providential mission of Israel in the world. When the work of the prophets was done and Israel won back to its God and its mission, the task of inuring the people to its career of faith, obedience, and hope was taken up by the scribes and rabbis. The appraisal of the final stage of the religion of the Jews as it found its expression in the dogma of the supremacy of the Torah is naturally undertaken from the point of view which looks for the consummation of the spiritual potencies of Judaism in the Gospel. Such are in the main the salient points of a work which it is hoped every student who aims at arriving at conclusions which may be tested by objective argument will make his *vade-mecum*.

A monograph on the demons and the means of warding them off in the Old Testament undertaken "without any preconceived opinion or apologetic tendency," yet arriving at the conclusion that "Jahveh was at all times the sublime world-God of the Hebrews and not the product of an evolution from crude beginnings upwards," should evoke interest. The author finds that the Hebrews believed in addition to the One God in a multitude of subordinate spiritual beings which we designate as demons. The belief in demons, however, was totally opposed to the Jahveh religion. Naturally with the belief in the existence of demons it became necessary to find ways and means of warding them off. Some of the elements of the cult as prescribed in the Priests' Code are ultimately rooted in the desire of counter-acting the evil influences of demons. While the belief in the existence of demons, the *shedim* perhaps excepted, has its origin in common-Semitic traditions, it is possible that the cult laws in P may have been influenced by Babylonian customs. But if such an influence be assumed, it antedated the conquest. Against certain critics it is denied that Jahveh betrays any demoniacal features. Whatever be the merits of the author's general conclusions, exception must be taken to several points of detail. Thus the interpretation of ידענים as an original plural (of the type אלהים) from which the singular ידעני was subsequently derived, or of איש in Gen. 32, 25 as "demon" (on the basis of Assyrian) and of ויברך אתו (v. 30) as "he made him bend the knee, i. e. subdued him," will hardly be taken seriously.

מלון הלשון העברית הישנה והחדשה חברו אליעזר בן יהודה וירושלמי.

Thesaurus totius Hebraicitatis et veteris et recentioris. Auctore ELIESER BEN IEHUDA, Hierosolymitano. Schönebergi apud Berolinum in aedibus Prof. G. LANGENSCHIEDT. III, parts 6-12 (זרני - חררה). pp. 1397-1740.

La durée de l'année biblique, et l'origine du mot שנה. Par S. FERARÈS. Extrait de la *Revue de Linguistique*, 1912. Paris: LIBRAIRIE DURLACHER, 1912. pp. 24.

Parts 6-12 complete the third volume of Ben Iehuda's *Thesaurus* of which a lengthy notice appeared in vol. II of the New Series of this REVIEW (591 ff.). Of new words or words to which a new signification is given we may mention זרם "current (of thought)," חברה "schoolmate," חביתה "omelet," חניני "solemn," חזיה "waistcoat," חליקה "blouse."—Ferarès would make us believe that שנה which is etymologically connected with שנה "to double" corresponded to a measure of time consisting of two lunations and that in the period of Abraham a year was equal to seven months or lunations. His arguments are not convincing.

Das Buchwesen im Altertum und im Byzantinischen Mittelalter. Von V. GARDTHAUSEN. Zweite Auflage. Mit 38 Figuren. (*Griechische Palaeographie.* Von V. GARDTHAUSEN. Zweite Auflage. Erster Band.) Leipzig: VEIT & Co., 1911. pp. xii + 243.

Papyri Graecae Berolinenses. Collegit WILHELM SCHUBART. (*Tabulae in usum scholarum.* Editae sub cura IOHANNIS LIETZMANN. 2). Bonnae: A. MARCUS, MCMXI. pp. xi + tabulae 50 + pp. xxiii.

The Old Testament in Greek. According to the text of Codex Vaticanus, supplemented from other uncial manuscripts, with a critical apparatus containing the variants of the chief ancient authorities for the text of the Septuagint. Edited by ALAN ENGLAND BROOKS, B. D., Fellow and Dean of King's College, and NORMAN McLEAN, M. A., Fellow of Christ's College, University Lecturer in Aramaic. Volume I. The

- Octateuch. Part I. Genesis. Part II. Exodus and Leviticus. Part III. Numbers and Deuteronomy. Cambridge: at the UNIVERSITY PRESS, 1906. 1909. 1911. pp. viii + 155; viii + 405; vii + 676.
- Codex Zuqninensis Rescriptus Veteris Testamenti.* Texte Grec des manuscrits Vatican Syriaque 162 et Mus. Brit. Additionnel 14, 665. Edité avec introduction et notes par EUGENE TISSERANT. (*Studi e Testi.* 23.) Roma: TIPOGRAFIA POLIGLOTTA VATICANA, 1911. pp. lxxxvii + 277.
- Septuaginta-Studien.* Herausgegeben von ALFRED RAHLFS. 3. Heft: *Lucians Rezension der Königsbücher.* Von A. RAHLFS. Göttingen: VANDENHOECK & Ruprecht, 1911. pp. 298.
- Fragmente einer griechischen Übersetzung des samaritanischen Pentateuchs.* Von PAUL GLAUE und ALFRED RAHLFS. Mit einer Lichtdrucktafel. (*Mitteilungen des Septuaginta-Unternehmens der Königlichen Gesellschaft der Wissenschaften zu Göttingen.* Heft 2.) Berlin: WEIDMANNSCHE BUCHHANDLUNG. 1911. pp. 68.
- A Coptic Palimpsest* containing Joshua, Judges, Ruth, Judith and Esther in the Sahidic dialect. Edited by SIR HERBERT THOMPSON. London: HENRY FROWDE (OXFORD UNIVERSITY PRESS), 1911. pp. xii + 386.
- Untersuchungen über die Peschitta zur gesamten hebräischen Bibel.* Zugleich ein Beitrag zur Erkenntnis der alten Bibelübersetzungen. Von Dr. CH. HELLER. Teil I. Berlin: M. POPPELAUER, 1911. pp. 72.
- Die aussermasorethischen Übereinstimmungen zwischen der Septuaginta und der Peschittha in der Genesis.* Von Lic. theol. JOHANNES HAENEL. (*Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft.* XX.) Giessen: ALFRED TOEPFELMANN, 1911. pp. 88.

Gardthausen's work on the Book in Antiquity and in the Byzantine period which constitutes the first volume of the second edition of his monumental text-book of Greek Palæography (the first edition appeared more than thirty years ago) should be

brought to the attention of all students of the Bible. For the manner in which ancient Hebrew books were prepared we have a monograph by L. Blau (*Studien z. althebr. Buchwesen* 1. Strassburg i. E. 1902). But apart from the fact that the relation of Oriental customs to Western modes is elucidated in the larger context as furnished by Gardthausen, the student of the Scriptures who has to deal with Greek and Latin translations must necessarily possess himself of information bearing on all matters palæographical. To all such the new Gardthausen will be welcome indeed. In the introduction palæography (in the narrower sense) is defined in its relation to epigraphy and diplomatics (study of documents); a history of Greek palæography from Montfaucon to modern times is then given together with a bibliography of specimens of writing as well as of facsimile reproductions of entire manuscripts. The history of book making in antiquity is treated in nine chapters dealing with writing material (papyrus, parchment, "palimpsests," paper, "water-marks," "the bookworm"), the external form of manuscripts (wood or wax tablets, the leaf, the scroll, the format of books), letter and seal, bookbinding, writing utensils, ink, color, silver and gold script, ornaments, initials, painting. Exact and up-to-date as the information is, it is singularly fascinating. The externals of book producing have their history which all book-lovers will do well to study. Many practical hints on the manner of describing manuscripts will be found in this condensed text-book of Greek palæography.

On a previous occasion we noticed the publication by Cavaliere and Lietzmann containing specimens of Greek codices from the Vatican (*JQR.*, New Series, I, 574 f.). In the same series Schubart furnishes specimens of Greek papyri from Berlin. The specimens run all the way from the fourth pre-Christian to the eighth post-Christian century. When it is remembered that the archetypes and the earliest copies of the Septuagint must have been written on papyri and in script similar to the one used on the contemporaneous papyri extant the importance of practice in reading papyri becomes obvious.

The Larger Cambridge Septuagint edited by Brooke and McLean is now complete so far as the Pentateuch is concerned.

The minor edition which preceded the present undertaking is, as students know, that by Swete and has now gone through a number of editions. While the latter confined its apparatus to a selected list of uncials, the larger work is inclusive of all uncials; then a stately number of selected cursive manuscripts, all of the ancient versions of the Greek, and a goodly number of Greek and Latin Fathers have been drawn upon for variants. With regard to the cursives, the number collated falls below that embodied in Holmes-Parsons, though quite a number of new cursives which have come to light since the Oxford publication have been collated for the new work. The distinguishing mark of the new edition is its reliability on which score the sins of the Oxford editors or their collaborators are well known to students (comp. Ceriani, Lagarde). Of course, no human work of so gigantic a size can be perfect. I have come across a number of errors, particularly errors of omission. Thus, to mention one example, the last verse of the sixth chapter of Numbers (in the Hebrew) which is wanting in the Septuagint (original) is found not only in quy^a? (as the editors note), but also in G (curiously enough without the asterisk). A word or two must be said about the new Septuagint for the benefit of the majority of Bible students who are apt to use it and who are not Septuagint specialists. In the first place the editors have simply given the text of B (the famous Vatican codex; where it was defective, another uncial takes its place) with some minor deviations from the text as published by Swete. In the apparatus the variants from the sources indicated above are registered. But *no critical restoration of the original of the Septuagint as it left the hands of the translators was intended*. Let therefore no one mistake the intention of the editors. The warning is not superfluous considering the use to which Lagarde's well-known publication has been put. For despite the warning of its editor who merely laid the foundation for a reconstruction of Lucian, his text has been persistently taken for Lucian's. In the second place, the arrangement of the variants is necessarily mechanical. Only in this way could the task of registration be accomplished with any degree of reliability. The arrangement therefore serves practical purposes. It is not an easy task to reconstruct the *consecutive* reading of the manuscripts on a given verse. But it can be done, and done to

advantage, on the basis of the painstaking labor of the editors, if one will only take the trouble to re-write the evidence *in extenso* as he requires. Much that is at present disjointed or misleading will be found to be clear when brought together. Thirdly, with regard to the daughter-versions and patristic quotations, what is actually found in them is given, but the editors naturally do not guarantee that every reading thus recorded goes back to a Greek source. For the daughter-versions frequently deviate from the Greek by transposition, addition, and curtailment. And the Fathers have often quoted from memory, or wove the words of Scripture into their own words with the least intent of quoting exactly. Fourthly, to the uninitiated the editorial work appears gigantic it is true, but nevertheless mechanical. They think that all that the editors did was excerpting readings, though even that requires in the case of manuscripts a knowledge of palæography, in the case of the daughter-versions a fine knowledge of some seven languages or dialects, and in the case of the Fathers much erudition. If one remembers that from the list of cursives extant only a certain number have been selected, while the remainder were incorporated from Holmes-Parsons and marked as such, it becomes evident that a principle of selection was to be obtained. Now this principle of selection is based on nothing short of a painstaking and thorough-going study of all the apparatus of Holmes-Parsons which preceded the preparation of each volume in the manuscript. How much discrimination this kind of work entails those who have busied themselves with similar labors alone know. Thus when it was ascertained that a group of say some thirteen manuscripts constituted a class by themselves, three or four were selected as representatives of the class, while the variants of the other members of the class were not verified but allowed to stand on the authority of the Oxford editors. This point is mentioned not merely to show how much penetration of the mass of variant readings was required before the editors could approach the task of re-examining those cursives which were selected for the purpose. For the right weighing of the evidence as now presented it is imperative that the student know that a letter of the alphabet may stand for the manuscript which it designates, but in reality for an entire group of manuscripts. In other words, the sigla do

not stand for individuals, although in the nature of the case as far as the editors' intention goes they should so be taken; but in the final estimate of the readings it becomes important to know which of them are group-readings. To illustrate, of a group of four manuscripts (74, 76, 84, 134) the latter (134 = t) was selected as the representative. A t reading is therefore, unless the contrary becomes evident, the reading of not one, but of four manuscripts. Two further manuscripts (44 = d, 106 = p) figure among the selected manuscripts which were examined afresh. It is misleading to treat them as equal in importance to t. For they represent but themselves. Both belong to the t group, but because they deviate rather extensively from the group, it was deemed necessary by the editors to give their evidence based on their own sight. As a matter of fact, the deviations are not of importance; some of the omissions are due to error (homoioteleuton, etc.) or to a desire to condense the text. This time the editors have erred perhaps in giving too much. But when one understands their motive and moreover has learned to value the readings and by comprehending them to remove them, both the procedure of the editors is recognized and the dangers of giving them undue weight is warded off. Attention is finally to be drawn to the Hexaplaric material recorded at the bottom of the page. Our knowledge of the late Greek translators is thus extended and many corrections to Field's great work are obtained. In the light of the remarks given in the preceding it becomes evident why a work of this nature must necessarily be a slow one. Our present generation cannot expect to witness its completion; our successors will, if not possessed of the original of the Septuagint, at least possess an apparatus at once fuller and more reliable.

A new manuscript of the Septuagint, or as much as now remains of it, has been given to the learned world by M. Tisserant in a splendid edition. Fortunately no part covered by the Larger Cambridge Septuagint is contained therein so that it will be reserved for the future parts to incorporate it as a new uncial. Strictly speaking, it is not one, but six codices. But the parchment of these various codices was used in the ninth or tenth century for the text of a Syriac Chronicle after the Greek script had been washed off (palimpsest). The Syriac codex which was probably

written in the Zuḡnin monastery (hence *Codex Zuḡninensis*) is now divided between the Vatican Library and the British Museum; but the major part is in the Vatican. Portions of the underlying Greek text were deciphered and published by Tischendorf in 1857 and by Cozza-Luzi in 1902 (1905). Cornill and after him Ceriani identified the Ezekiel parts with the Lucianic recension. With the exception of one leaf (III Ki. 8, 58-9, 1) the whole, according to the editor whose contentions are substantiated by the investigations of Rahlfs (see below, and *TLZ.*, 1911, col. 742), exhibits a Lucianic text. In the Book of Judges for instance the new manuscript shows marked affinity with the cursive 54 which has been claimed as Lucianic by G. F. Moore for Judges and recently by Hautsch for the whole of the Octateuch (see *JQR.*, New Series, I, 572 f.). The parts recovered contain portions of Judges, III Kingdoms, Psalms, Ezekiel, and Daniel. The editor has read the palimpsest without the aid of chemical reagents (Gardthausen, *Buchwesen*, 107 f.).

Through the editor's kindness Rahlfs was placed in a position to utilize the Zuḡnin text of III Kingdoms for the third part of his Septuagint Studies which deals with Lucian's text of the Books of the Kingdoms (Samuel and Kings). The monograph which as a model of critical labor centering about an important Septuagint recension few will be able to approach does honor alike to the author and to the philosophical Faculty of the Göttingen University which awarded the first prize to the essay submitted to it in manuscript. After a survey of the witnesses of the Lucianic text, their respective value is determined, and the conclusion is reached that the group 82. 93 is superior to the group 19. 108 and that singular readings of individual manuscripts within these groups may lay claim to consideration only in a few exceptional cases, that furthermore Lagarde's edition, while corresponding to these principles on the whole, will bear revision here and there. On the basis of a renewed investigation of Josephus (one will remember Mez' thesis of an "Ur-Luzian" before Lucian), the Greek writers to the end of the third post-Christian century, and the Latin writers as well as fragments of the Old Latin Bible, Rahlfs proves conclusively that there cannot be any question of a Lucianic type in advance of Lucian. He then submits certain parts of the Lu-

cianic recension to a thoroughgoing test with regard to its sources (his treatment of the catalogue of Solomon's governors the author rightly regards as the specimen of a textual commentary which in his judgment it will become imperative to write some day on the whole of the Septuagint) and his result is that the basis of the recension is an ancient, pre-hexaplaric text of the Septuagint which is closely related to the text of the Vatican (B) and the Ethiopic translation. Nevertheless there are elements in Lucian which are not of his own making, yet are at variance with B Aethiops. As a certain want of principle appears to characterize the recension in question it is not easy to find a criterion for singling out what is Lucianic and what pre-Lucianic. Nor will the criteria if found be necessarily the same in the several books as Lucian may have followed different principles in different books or he may have had collaborators who though on the whole working according to his principles nevertheless went their own way in many particulars. A by-product of Rahlfs' investigation is the authentication (in the greater part of the Bible) of the B text and of its related satellite, the Ethiopic version, as embodying the text nearest to the original considering that both Lucian and Origen (as is probable) made it (that is, a text cognate to it) the basis of their recensions.

The second instalment of the Göttingen Academy publications dealing with the Septuagint (*JQR.*, New Series, I, 573) is devoted to fragments of a Greek version of the Samaritan Pentateuch edited by Glaue and Rahlfs. The leaves which were found in Egypt are now the property of the University of Giessen and belong to a codex which was written in the fifth or sixth post-Christian century. The fragments contain portions of Deuteronomy. The Samaritan character of the text is made certain by the famous reading in 27, 4 "mount Gerizim" for our "mount Ebal"; moreover the words are transliterated and in Samaritan fashion (Cowley, *Samaritan Liturgy*, II, p. lix) written in one word: ἀργαρίζιμ. It is interesting that **ⲁ** reads here likewise: *in monte garzin* (overlooked by the editors). Other Samaritan peculiarities of rendering which tally with the Samaritan Targum occur. A Greek translation of the Samaritan Pentateuch was known to have existed before this find was made (see the references by the editors p. 61 ff.). According to Rahlfs the fragment

Gen. 37, 3—4. 9 collated in the Larger Cambridge Septuagint and denoted as Δ, belongs likewise to the Greek version of the Samaritan Pentateuch.

A palimpsest manuscript acquired by the British Museum has brought to light the Sahidic text of Joshua, Judges, Ruth, Judith, and Esther which has been edited by Sir Herbert Thompson. Hitherto we have only possessed fragments of these books (see the list pp. x-xii). The collocation of Ruth with Judith and Esther is peculiar. In Greek manuscripts this grouping is very rare; but it is met with in Syriac (Jacobite codices) (Crum, p. vi, n. 1; Rahlfs, *TLZ.*, 1912, col. 68). The editor avers that he has spared no pains to make the text as accurate as possible; but in view of the condition of the MS. in many parts he would not be certain that he has escaped error. I have noticed an error on p. 18, l. 30, where the second letter Π should be corrected to Ν (see p. xii). In the place in question there is a reading which is found in one lone Greek MS. (118) and the Old Latin (see *AJSL.*, XXVIII (1911), 5). The editor has not ventured to pronounce upon the filiation of the Greek text underlying the translation. "In the book of Joshua this text follows none of the three chief uncials (A, B, F), but seems to be based on an independent text, having many readings peculiar to itself." My own examination which at present is in process of completion (I am preparing in connection with my forthcoming edition of the Book of Joshua in Greek according to MS. 54 and cognate witnesses, a Greek-Sahidic-Latin-Ethiopic-Syriac-Hebrew Index) goes to show that the basis of the text is related to B and the unrevised Ethiopic; the present text reveals Hexaplaric revision of which there are a few elements even in B and a great many in the Ethiopic; it also shares some readings with the Latin. Of course, there are met with additions which belong to the translator and were no part of his "Vorlage"; but otherwise it is safe to say that we have before us the Bible text current in the Egyptian Church. The latter appears to be relatively the purest and, when judiciously emended, it will some day yield the original. The importance of the new publication is thus seen to be great.

Heller's monograph on the Peshitta is apparently a doctorate thesis and, as is usual with such publications, is ambitious in plan

but modest in actual accomplishment. It announces itself as the first part of a work on the entire Peshitta of the Old Testament. The author has used no manuscripts except one codex of the Royal Library at Berlin which contains but a small part of the Old Testament. He assumes Jewish influences in the Syriac version but repudiates Schoenfelder's notion that the Peshitta is dependent upon Onkelos. He arranges his observations culled from various parts under lists showing the agreement of the Peshitta with talmudic exegesis or talmudic hermeneutics as well as with principles of interpretation evolved by the mediæval Jewish exegetes. As a specimen of erudition the work may pass; but when it comes to accepting his contentions I fear that a modicum of criticism will overthrow them. Questions of dependence must be settled by a process of elimination; otherwise we may be dealing with mere coincidence. I have come across misprints.

The question of the relation of the Peshitta to the Septuagint at least for the book of Genesis is the subject of a monograph by Hänel. His critical apparatus for the Peshitta (p. 5 f.) is satisfactory. The investigation is carried on with judgment. No single method will do justice to the problem. While he repudiates the thesis that the Peshitta was made use of by Lucian, he is not so certain that in all places where the Peshitta goes with the Septuagint against the received Hebrew text the Syriac was influenced by the Greek; for it is quite conceivable that in a number of these coincidences the Hebrew text underlying the Syriac agreed with that at the basis of the Greek. A certain criterion of dependence would be found where the rendering of the Peshitta might be reduced to an error of misinterpretation of the Greek; but the cases are few. To illustrate by one example: Gen. 2, 19 מַה יִּקְרָא לוֹ וּבֹלֵן נֶפֶשׁ חַיָּה הוּא שְׁמוֹ אֲשֶׁר יִקְרָא לוֹ הָאָדָם נֶפֶשׁ חַיָּה הוּא שְׁמוֹ. The construction of נֶפֶשׁ חַיָּה is difficult; it is thrown out by moderns as a gloss. Other commentators treat it as apposition to the pronoun in לוֹ. But whether gloss or original, it is apparently significant indicating the recognition by the man that the animals were living creatures like himself and at the same time that they were not of his species (see Nahmani). It is unnecessary to go further and take מַה יִּקְרָא as secondarily accusative (Nahmani; so clearly the Samaritan Targum); it implies, moreover, that the antecedent of the relative is

the generic word for "animal" (so apparently Saadia and Vulgate), whereas the natural assumption is that the antecedent is "name" and that the pronoun in ܐܝܢ is not a mere 'ā'id but refers back to the generic word for "animal," exactly as in the first ܐܝܢ. I have recently had occasion to deal with this passage in connection with the rendering of the 'ā'id in the Greek Hexateuch. Now, while the first ܐܝܢ is rendered *avta* (uniformly attested), in the case of the second ܐܝܢ the witnesses vary between *avto* and *avta*. The omission in some witnesses (notably in *m* and Philo ½) might be taken as an indication that *avto* was the original and that the 'ā'id was omitted as redundant. Phil-arm ½, however, together with certain Greek MSS. and the Bohairic, Sahidic, and Ethiopic, has *avta*, and I am inclined to believe that such was the original reading. Hence Hänel's deductions with reference to the plural (*lehon*) in the Peshitta as due to following a faulty reading of the Septuagint fall to the ground, especially as the first ܐܝܢ is equally rendered *lehon*. Though Hänel is wrong in this instance, his general contention about the difficulty attaching to laying the hand on clear cases of Greek influence in the Syriac is substantiated.

An Interpretation of Genesis. Including a translation into present-day English. By Rev. F. P. RAMSAY, Ph. D., Pastor Third Presbyterian Church, Omaha, Nebraska. New York and Washington: THE NEALE PUBLISHING COMPANY, 1911. pp. 347.

La Nuit de Penouel. Etude de philologie, d'histoire et de mythologie israélites. Par ALFRED-B. HENRY. Paris: LIBRAIRIE FISCHBACHER. 1911. pp. 43.

The Book of Exodus. In the Revised Version. With introduction and notes. By the Rev. S. R. DRIVER, D. D., Regius Professor of Hebrew, and Canon of Christ Church, Oxford, &c., &c. (*The Cambridge Bible for Schools and Colleges.*) Cambridge: at the UNIVERSITY PRESS, 1911. pp. lxxii + 443.

The Book of Numbers. In the Revised Version. With introduction and notes. By A. H. McNEILE, D. D., Fellow and Dean

of Sidney Sussex College, Cambridge. (*The Cambridge Bible for Schools and Colleges*.) Cambridge: at the UNIVERSITY PRESS, 1911. pp. xxvii + 196.

לֹא תִבְשֵׁל גִּדִּי בַחֲלֵב אִמּוֹ. (Exode xxiii, 19; xxxiv, 26; Deut. xii, 21).

Une erreur de traduction dans la Bible. Extrait de la *Revue de Linguistique*, 1911. Par S. FERARÈS. Paris: LIBRAIRIE FISCHBACHER, 1911. pp. 32.

Commentary on the Book of Deuteronomy. By W. G. JORDAN, B. A., D. D., Professor of Hebrew and Old Testament literature in Queen's University, Kingston, Canada. (*The Bible for Home and School*.) New York: THE MACMILLAN COMPANY, 1911. pp. 263.

Ramsay's "Interpretation of Genesis" is the popular work of a preacher. He writes for the untutored. And he writes for believers, for Christians. He makes them acquainted with the technical terms used in Bible introductions and Bible commentaries; he gives a sketch of the critical theories concerning the origin of the Pentateuch; he sees no difficulty in placing the compilation of the Pentateuch in post-Mosaic times, but the editors used Mosaic material. As for Genesis, Moses used pre-Mosaic material. In the book a translation of Genesis into modern English is given which is accompanied by explanatory notes. As a specimen of the translation we may quote Gen. 44, 18 ff. (p. 229):

"Then Judah came up close to him and said,

'O Your Excellency,—I beg that you will permit your servant to speak a word in Your Excellency's hearing. Do not be irritated with your servant, for you are the same as Pharaoh. Your Excellency asked his servants,' etc.

As with other attempts in the same direction (see below), the effect is not a pleasing one. I doubt whether the modern man is so far removed from the language of Shakespeare that the English of the Authorized Version, barring isolated cases, is for him unintelligible. As for style, generations have labored in creating the English biblical diction which alone seems to fit the sacred literature. Somehow the older translators had the right feeling for

the simplicity of the original which no modern paraphrase can match. The concluding chapters of the book are in the nature of summaries. In describing the character of Abraham, the author calls him "a falsifier," one who "used falsehood without a twinge of conscience." The critics may be wrong about the dating of Genesis; but their historical sense guards them against measuring the heroes of Genesis with a modern standard. That is at least one gain of historical criticism.—M. Henry submits the narrative of "the night of Penueel" (Gen. 32, 24-33) to a fresh examination. The etymologies of the Jahvist narrator (Jabbok combined with *'bē*; Isra-el interpreted as "he striveth with God" in the place of "God striveth") cannot be accepted; in the interpretation of Penueel ("Face of God") he is nearer the truth. Whatever of historical fact may be found to underlie the legend amounts to a pre-Jahvistic reminiscence of the conquest of Canaan which began somewhere in the fourteenth century B. C. Gen. 34 and 48, 22 are further reminiscences. In all of them Jacob is represented as a courageous warrior so utterly at variance with his character in the framework. As for the religious content of the myth, we are confronted with the demoniacal character of Jahveh (contrast Jirku above) who is a savage deity, given to nocturnal attacks, partial to those who please him, subject to moods and whims, pliant to those who know how to win him by the art of magic. He attacks Jacob for no cause whatever, simply because he encounters him at night time; he easily maims the titan that dares to wrestle with him; but before he extricates himself out of the hands of Jacob at the rise of dawn he is made to bless him, to pronounce a *berakah*, a magic formula of incantation. Thus the vanquished becomes victor. Hosea (12, 1-6) well understood the sense of the myth. In the myth furthermore reveal themselves the vicissitudes of the gods. Jacobel was the name of a Canaanite city in the sixteenth century B. C. and presumably also of a Canaanite god. He was absorbed among many others by Jahveh. Jacob was in truth not the supplanter, but the supplanted. At last he became a mere shadow of his former character, a mere patriarch. The change of name to Israel marks the final stage of the metamorphosis.—The books of Exodus and Numbers in the Cambridge Bible for Schools and Colleges have found worthy expounders in Driver and

McNeile. A new feature is the use of the Revised Version in the text. Thus the commentary is relieved from the necessity of registering alternate renderings; the margin of the R. V. is retained at the foot of the text. Driver's strength lies in his intimate acquaintance with the language and his cautious criticism. Valuable excursuses convey much useful information and aim at clarifying disputed points of much interest. Comp. the notes on the site of Sinai, or, in the appendixes, on the Passover, the date of the decalogue, and the Code of Hammurabi. In the Introduction, the *outline* of the narratives concerning the exodus and the person of Moses is accepted as historical. A full discussion of the data from Egyptian monuments precedes this estimate. In Numbers, McNeile distinguishes between the JE narrative which is based on traditions which in all probability took their rise from actual facts and the P narratives which are "only laws in narrative clothing, and therefore very few of them can be regarded as possessing even a basis of actual Mosaic history." As for the laws which belong exclusively to P, though their present form is late, they contain elements which are primitive in several parts, "but whether any of them date from a period as early as Moses it is impossible to say."—After reviewing the history of the interpretation of *לֹא תְנִיחַ לִנְיָ בְחָלָב אִמּוֹ* (Exod. 23, 19 and parallels), M. Ferarès arrives at the conclusion that its original meaning was: *Thou shalt not seethe a kid while it is a suckling.*—The volume on Deuteronomy in *The Bible for Home and School* is the work of Prof. Jordan. In the Bibliography Zangwill's "The Children of the Ghetto" is included, "a novel, but also an important document relating to the life of the modern Jew as moulded by the ancient law."

The Book of Joshua. Edited by JOHN SUTHERLAND BLACK, LL. D. (*The Smaller Cambridge Bible for Schools.*) Cambridge: at the UNIVERSITY PRESS, 1910. pp. 145.

The Book of Joshua. Edited by the Rev. P. J. BOYER, M. A., Vicar of Rothersthorpe, Northampton. (*The Revised Version edited for the use of Schools.*) Cambridge: at the UNIVERSITY PRESS, 1911. pp. xx + 103.

The First (and Second) Book of Samuel. Edited by A. F. KIRKPATRICK, D. D. Dean of Ely. (*The Smaller Cambridge Bible for Schools.*) Cambridge: at the UNIVERSITY PRESS, 1911. pp. 176; 176.

Origenes, Eustathius von Antiochien und Gregor von Nyssa über die Hexe von Endor. Herausgegeben von ERICH KLOSTERMANN. (*Kleine Texte für Vorlesungen und Übungen.* Herausgegeben von HANS LIETZMANN.) Bonn: A. MARCUS und E. WEBER's Verlag, 1912. pp. 70.

The volumes Joshua and I and II Samuel in the Smaller Cambridge Bible for Schools appear in revised editions. They are eminently useful in their concise and lucid form. Of another series published by the Cambridge Press and intended likewise to be used in schools the book of Joshua has appeared. The text is that of the Revised Version and notes and introduction are commendable. For University students who wish to become acquainted with patristic expositions of the Scriptures at first hand Klostermann's publication of the homily of Origen together with the refutation by Eustathius of Antioch and a letter of Gregory of Nyssa all dealing with the witch of Endor will prove very welcome. The text is based on a Munich MS. of the tenth century.

The Hebrew Prophets, or Patriots and Leaders of Israel. A textbook for students of the high school age and above. By GEORGIA LOUISE CHAMBERLIN. Chicago: THE UNIVERSITY OF CHICAGO PRESS, 1911. pp. xviii + 237.

The Hebrew Prophets for English Readers. In the language of the Revised Version of the English Bible, printed in their poetical form, with headings and brief annotation. Edited by FRANCIS H. WOODS, B. D., and FRANCIS E. POWELL, M. A. Volume III: Obadiah, Ezekiel, and Isaiah (XL-LXVI). Oxford: at the CLARENDON PRESS, pp. xii + 317.

The Composition of the Book of Isaiah in the Light of History and Archaeology. By the Rev. ROBERT H. KENNETT, D. D., Regius Professor of Hebrew and Fellow of Queens' College, Cambridge, Canon of Ely. London: published for the British

Academy by HENRY FROWDE (OXFORD UNIVERSITY PRESS), 1910. pp. vii + 94.

The Book of the Prophet Isaiah. With introduction and notes. By G. W. WADE, D. D., Senior Tutor of St. David's College, Lampeter. (*Westminster Commentaries.*) New York: EDWIN S. GORHAM, 1911. pp. lxxxii + 431.

ספר ישעיה *Das Buch Jesaja.* Nach dem Forschungssystem Rabbiner Samson Raphael Hirschs übersetzt und erläutert von JULIUS HIRSCH. Frankfurt a. M.: J. KAUFFMANN, 1911. pp. vii + 508.

A Critical and Exegetical Commentary on Micah, Zephaniah, Nahum, Habakkuk, Obadiah and Joel. By JOHN MERLIN POWIS SMITH, Ph. D., WILLIAM HAYES WARD, D. D., LL. D., JULIUS A. BEWER, Ph. D. (*The International Critical Commentary.*) New York: CHARLES SCRIBNER'S SONS, 1911. pp. xix + 363 + 146.

Jefeth b. Ali's Arabic Commentary on Nahum. With introduction, abridged translation and notes. Edited by HARTWIG HIRSCHFELD. (*Jews' College Publications*, No. 3.) London, 1911. pp. 42.

The Book of Habakkuk. Introduction, translation, and notes on the Hebrew text. By the Rev. GEORGE G. V. STONEHOUSE, B. D., Vice-Principal of the Theological College, Coates Hall, Edinburgh. London: RIVINGTONS, 1911. pp. xiii + 264.

Miss Chamberlin's volume on the Prophets which is part of a series of text-books for religious education is intended for the maturer student in the upper classes of the high school or the earlier years of the College. The treatment is naturally popular in character: the language simple, yet lofty; the paragraphs well balanced and supplied with headings; biblical texts introduced at length in their historical setting; useful maps and historical tables. The results of the higher criticism are accepted; thus the Messianic passages of the First Isaiah are placed in post-exilic times. The last prophetic utterance is that of Jonah; its universalistic message is the sum of Old Testament prophecy. The Christian point of view is indicated at the conclusion. "Even at this point our chain

is incomplete, for we have made no mention of the prophet of Nazareth, but our task like that of the Hebrew nation was to prepare the way for larger truth, whether from the lips of Hebrew or Gentile." In a footnote to p. 3 the author refers to the Zionist movement. "It should not be looked upon as an effort of the Jewish people to realize in this age their old dream of a world power in Palestine, to which all nations of the earth would pay homage. In it, however, we see still persisting the hope of a future for the Jewish people, which is the expression of an optimism upheld through all the ages by firm trust in Jehovah."—The third volume of the Oxford prophets for English readers (see this REVIEW, New Series, I, 578) contains Obadiah, Ezekiel, and Isaiah 40-66.—In dealing with the composition of the book of Isaiah, Prof. Kennett starts from the assumption that Isaiah did not commit his prophecies to writing; they were rather handed down orally by his disciples and at length embodied in a written collection. In the process, though the memory of the ancients was retentive aided as it was by the poetical form of some of the prophecies, much was lost sight of so much so that the later editors were compelled to have recourse to the *life* of the prophet, a biography in the manner of the stories of Elijah and Elisha in the book of Kings, to make good to some extent the deficiencies. These narratives date from "at least as late as the time of the Exile," and consequently the collection of discourses forming the nucleus of the First Isaiah which may be ascribed to the son of Amoz was put together at a still later date. So far as the size of this nucleus of genuine Isaianic material is concerned, Kennett (with some 253 verses) in the main agrees with Marti (some 245 verses). Marti, however, assumes that, though the collection of the prophecies is much posterior to the lifetime of the prophet, the fragments which entered into it were composed by Isaiah himself; he refers to 8, 16 and 30, 8 in corroboration of his opinion. Kennett has apparently overlooked the latter passage; with reference to the former he maintains that "it is more natural to understand the words to mean that the prophet's teaching must be written on the fleshy tablets of his disciples' hearts." Kennett goes further than Marti in assigning the greater part of the book to the second century B. C.; thus not only substantial portions of the

Second Isaiah, but also the whole of the Third Isaiah (56-66) for which Marti finds room (barring a few minor additions) in the fifth century B. C. are brought down to Maccabean times. Subjective as the decomposition of our Isaiah at the hands of the English critic is, his interpretation of single points is open to the same animadversions. Though Kennett is not alone in maintaining that העלמה designates "one or more young women of marriageable age" (comp. Stade for instance), the generic article is here utterly impossible; the example Eccl. 7, 26 which is customarily adduced in proof is not to the point: there the predicate is generic, and "woman" in the singular and without the article would be an adequate English rendering, not "women" in the plural! You may say "woman is treacherous and seductive," but you cannot say "woman is with child." Whatever has been said to the contrary, the prophet can only have referred to a definite young woman.—Wade's criticism for which the Editor has thought fit to offer an apology is conservative in comparison with Kennett's analysis. After the manner of Duhm, three Isaiahs seem to suffice. The prophecies concerning Immanuel (in a Messianic sense), the Prince of Peace, and the Shoot out of the stock of Jesse are assigned to Isaiah. While the Servant songs are declared of independent origin, it is assumed that they were incorporated in Deutero-Isaiah and that accordingly the Servant denotes the collective people of Israel.—Julius Hirsch whose work on Isaiah was edited by his son Marcus was a son of Samson Raphael Hirsch. The exposition of the prophet moves in the tracks of the noted rabbi's interpretation of the Pentateuch and other parts of the Scriptures. It goes without saying that the whole of Isaiah was the work of the son of Amoz. But this absence of criticism, even in the face of Ibn Ezra's well known thesis of an exilic Isaiah, is a small matter compared with the absurd renderings with which the volume is replete and which are banal perversions of all common sense. As exegetical curiosa we may single out the following gems: "And the daughter of Zion, that was to be a booth in the vineyard (for the "vineyard" 5, 1, 2 is compared; the "booth" is the Torah), was left like a night-lodging in a field of stubble (מקשה combined with קש!)" (I, 8); "when ye come, let it be, that My countenance be seen; but who hath required *this*

at your hand? it is a trampling of my courts" (1, 12); **אִשְׁרוֹ חֲמוּץ** "direct to salvation that which is still in a ferment" (1, 17); "and it shall judge," the subject is "the word" of v. 3 (2, 4); v. 5 and following are placed in the mouth of the heathen, "O house of Jacob! take the lead, we would walk along in the light of God"; "which have brought him to the point (**אִשְׁרָ עִשּׂוֹ לִי**) that he bows down, etc." (2, 20); "and it is God, that will make them bare of all charm (**פְּתָהֵן** "their seductiveness" from **פָּתָה**; 4, 17b); **פְּתִינִיל** (v. 24) is "foolish joy"; "from rule and law he was kept away, and as for the story of his times (the times of the *galuth* during which he was deprived of all rights), who could narrate it in detail" (53, 8a); "and also of them I will take to be Levites for the priests (the worthy among the heathen will minister to the priest people, illuminated by the spirit of the divine law; 66, 21); and so on. The work, it is but fair to say, should not be taken as a sample of the contribution of Judaism at large to the elucidation of the greatest prophet in the Scriptures; it simply represents a family tradition which in the nature of things will not be long in disappearing.

The work begun by the late William R. Harper with his Commentary on the Minor Prophets has been continued for the books of Micah, Zephaniah, Nahum, Habbakuk, Obadiah, and Joel by three American scholars, John M. P. Smith, W. H. Ward, and J. A. Bewer. Ward's contribution (on Habbakuk) is the smallest. It is also very brief. Thus it lacks a bibliography. Bewer has written on Obadiah and Joel; to Smith belongs the rest. The critical attitude is sane and cautious. The vagaries of hypercriticism with liberal assignments to Maccabean times are vigorously repudiated. Joel is placed in the fourth century. The exposition which proceeds along the well known lines of the *International Critical Commentary* of which it is a part is rich in textual and linguistic observations which will be found helpful by the student for whom the series is intended.

Hirschfeld's edition and translation (in part) of Jepheth b. Ali's Arabic commentary on Nahum is a gift for which we ought to be grateful considering that only a small portion of Jepheth's exegetical labors have thus far been made accessible through pub-

lication. The student should not fail to note the corrections given by Bacher in *TLZ.*, 1912, col. 164 f.

Stonehouse's Habbakuk is an Oxford dissertation. The author deals at length with the critical theories. The translation is based upon an emended text. Notes on the Hebrew text complete the useful monograph. The paper contributed to the "Old Testament and Semitic Studies in Memory of William Rainey Harper," 131-142, apparently escaped the author's notice.

Die Schriften des Alten Testaments. In Auswahl neu übersetzt und erklärt. Dritte Abteilung. Erster Band. *Lyrik (Psalmen, Hoheslied und Verwandtes)*. Übersetzt, erklärt und mit Einleitungen versehen. Von Dr. W. STAERK, Professor der Theologie an der Universität Jena. Mit Namen- und Sachregister. Göttingen: VANDENHOECK & RUPRECHT, 1911. pp. xxxii + 285.

Die Psalmen. Hebräisch und deutsch. Mit einem kurzen wissenschaftlichen Kommentar. Von Dr. NIVARD SCHELOEGL, O. Cist., o. Universitätsprofessor in Wien. Mit oberhirtlicher Druckgenehmigung. Graz und Wien: VERLAGSBUCHHANDLUNG STYRIA, 1911. pp. xxvii + 235.

Das Buch der Psalmen. Lateinisch und deutsch mit erklärenden Anmerkungen. Herausgegeben von AUGUSTIN ARNDT, S. J. Regensburg: FRIEDRICH PUSTET, 1910. pp. viii + 480.

Life, Death, and Immortality: Studies in the Psalms. By the Rev. W. O. E. OESTERLEY, D. D., Hon. Sec. of the Society of Sacred Study (London Diocese), Hon. Assist. Sec. of the Church Reading Union (London Diocese). London: JOHN MURRAY, 1911. pp. xv + 188.

The Hebrew Personification of Wisdom. Its Origin, Development and Influence. By CHARLES EVERETT HESSELGRAVE, A. M., Ph. D. New York: G. E. STECHERT & Co., 1910. pp. vii + 33.

Eine babylonische Quelle für das Buch Job? Eine literar-geschichtliche Studie. Von P. Dr. SIMON LANDERSDORFER, O. S. B. (*Biblische Studien*. Herausgegeben von Prof. Dr. O. BARDENHEWER in München. XVI, 2.) Freiburg im Breisgau: HERDERSCHE VERLAGSHANDLUNG, 1911. pp. xii + 138.

Commentary on the Book of Job. By GEORGE A. BARTON, Ph. D., Professor of Biblical Literature and Semitic Languages in Bryn Mawr College. (*The Bible for Home and School.*) New York: THE MACMILLAN COMPANY, 1911. pp. ix + 321.

Das älteste Liebeslied der Welt. Das Hohelied Salomons (Canticum Canticorum) שִׁיר הַשִּׁירִים. II. Teil der *Poesien des Alten Testaments im deutschen Gewande.* Von JuDr. M. EPSTEIN, emeritierter mähr.-schles. Landesadvokat in Brünn. Frankfurt a. M.: J. KAUFFMANN, 1911. pp. vii + 22.

Das dritte Buch Esdras und sein Verhältnis zu den Büchern Esra-Nehemia. VON P. EDMUND BAYER, O. F. M. Gekrönte Preisschrift. (*Biblische Studien.* XVI, 1.) Freiburg im Breisgau: HERDERSCHE VERLAGSHANDLUNG, 1911. pp. xiii + 161.

German laymen have had the advantage of two monumental works on the Old Testament specifically intended for their use. I refer to the Bibles of Reuss (German edition, 1892-94) and Kautzsch (third edition, 1909-10; see *JQR.*, New Series, I, 577). The latest undertaking which we owe to the well known Göttingen publishing firm of Vandenhoeck & Ruprecht has features in common with its two predecessors; witness the exposition in the form of a running commentary (Reuss) and the short introductions and the non-technical textual notes (Kautzsch). The new features consist firstly in offering selections rather than the whole of the Bible; but the parts eliminated from the translation are referred to in the introduction to each volume. The principle of selection implies that not all the parts of Scripture are of interest to the modern reader. In this respect the editors have freed themselves from the dogma of inspiration. In the second place, the books of the Bible are arranged according to literary characteristics. The æsthetic point of view is indeed made much of for purposes of classification. The volume with which we are immediately concerned is devoted to the lyric genre. It contains the Psalms and the Song of Songs; with the latter is classed Ps. 45, and the two together exemplify secular lyric poetry. The psalm in question is rightly enough taken as an epithalamium in honor of one of the kings of North Israel. The emendation in v. 13, it may be said

in passing, is utterly uncalled for; the Septuagintal construction of the text (comp. also the Targum) was influenced by the interpretation of the king as the Messiah. The Song of Songs is taken to contain some wedding songs, but in the main the poems are simply erotic. While the collection dates from the third century, most of the poems ascend to pre-exilic times. As for the Psalter, a few psalms may with probability be assigned to Maccabean times, many, as the greater number of the royal psalms, many hymns, etc., are pre-exilic, ascending to the times of the prophets, and there is no reason to doubt that some may really claim David as their author, though the titles are of late origin and the historical references to David's life may be proved to be erroneous. But the bulk comes from exilic and early post-exilic times. The psalms are classified as hymns or prayers, both public (choral) and private (individual); then there are poems centering about the worship and such as are of a didactic character. Though the translation makes the appearance of being in the rhythm of the original, the translator acknowledges that all such scanning is tentative. We are only in the beginnings of the metrical study of the Old Testament. The difficulties are well nigh insurmountable. The text is often badly preserved, we know next to nothing about the pronunciation of Hebrew when it was a living language, and the exact determination of the rhythmical form of the verse is at present only a matter of guesswork.—Schlögl is a Catholic scholar who has done some preliminary labor in the matter of scanning Hebrew verse; he announces a work soon to be published which will deal at length with this subject. In his edition of the Psalms he scans the verses throughout with a degree of certainty which leaves nothing to be desired. But it is achieved at the expense of the text. As in his previous exegetical works, conjectural criticism and emendation occupy a far too prominent place. Subjective as his reconstruction of the text is, it will fail to win universal assent. No exception should be taken to the principle. Attempts of this kind will have to be made. As a mere attempt the publication merits attention. Textual criticism of the character described is resorted to also in the headings and is made ancillary to the maintenance of the traditional opinion concerning the authorship and date of the collection. Accordingly at least two thirds

of the Psalms are vindicated for David. He cannot conceive any reason why modern criticism should object to Moses as the author of the Psalm ascribed to him. I have made an examination of several Psalms as reconstructed by Schlögl and my impression of the work is that while it is painstaking and thorough it rests entirely on subjective grounds; some emanations are good, and some decidedly prosaic and forced.—Augustin Arndt's reprint of the Vulgate with a new German translation and short notes containing references to the Hebrew text is intended for intelligent devotional reading. The Psalter as a whole was collected by Nehemiah with the assistance of Ezra, but the individual collections are still older. The bulk belongs to David.—Oesterley presents a popular study of the religious content of the Psalms under the heads of God, sin, and the future life. The first chapter shows the influence of Gunkel's *Schöpfung und Chaos*. In the doctrine of God three stages are differentiated testifying to an "ever-progressing revelation." Interesting word-studies are interspersed. Some of the Psalms are anterior to the foundation of the monarchy and others date from the Maccabean period; throughout that long stretch of time there has been a religious development which is mirrored in the collection.

Hesselgrave's study of the Hebrew personification of Wisdom represents a thesis for the doctorate submitted to New York University. With the Wisdom Literature placed in post-exilic times, the writer has no difficulty in tracing the origin of the Wisdom speculations chiefly to extra-Jewish currents of thought, be they Babylonian, Persian, or Egyptian (Breasted's suggestion concerning the influence of Egyptian lore on the Messianic doctrine is accepted). In the specific literature centering about *Hokmah* of Palestinian origin and of the Greek period influences of Greek speculation are at work, and at length Wisdom is hypostatized as a separate being, the companion and helper of Jahveh before the world was made, the first created of God. Plato's archetypal ideas are at the root of this conception; the tendency to transcendentalize the idea of God was another factor. In the Egyptian diaspora the author of the "Wisdom of Solomon," but more strenuously Philo struggled to bring Judaism in harmony with Hellenistic thought; the result was a great service, but God was left "too

transcendent, and the mediator too indefinite, too intangible for the average man to grasp in a way that would minister to his religious needs in an age for extreme emphasis on the concrete and indefinite." The process at length culminated in the movement which had sprung up in Palestine around the prophet and preacher of the new Kingdom; St. Paul was on the road to identifying the risen Christ with the Logos-Wisdom of Hellenistic Judaism; the complete identification was reserved for the writer of the Epistle to the Hebrews and for the Johannine Gospel. "Since the writing of the Gospel of John, Christianity has struggled to understand the 'two natures' here mingled, and the end is not yet." The writer puts forth his thesis clearly and logically. Of course, the premises are subject to dispute. Altogether the writer confines himself to one set of authorities. His theories are all too certain. We miss the pros and cons which in a first effort should never be wanting. Within the range of the literature selected the writer has succeeded in informing himself capitally, though even here encyclopedias and general works are mainly laid under contribution.

In a paper contributed to the *Journal of Biblical Literature* (XXV (1906), 135 ff.) Prof. Jastrow has sought to draw a parallel between the poem of Job and a similar Babylonian text dealing with the suffering of the just. In his opinion the biblical poem was indirectly at least influenced by the Babylonian production. The contention accepted by several scholars whose attention was drawn to the problem is now made the subject of a monograph by Landersdorfer (of the Benedictine Order). The author re-edits the text in transliteration accompanied by a translation and a commentary; he submits the poem to a literary estimate; in similar fashion he appraises the biblical poem entering at the same time into the critical questions concerning its origin and purpose; he then compares the two productions and arrives at the result that there does not seem to be sufficient ground for assuming that the biblical book is in any manner, whether directly or indirectly, dependent upon the Babylonian poem. Similarities exist, but they do not point to direct or indirect borrowing; both rest on a popular account in prose which preceded the poetic form and each of these in turn is grounded in natural observation of the life

about which is too general in character to necessitate literary dependence. Moreover, there are also differences; and though reservations are made in favor of a possible dependence of a remote character, it is maintained that no positive evidence exists to categorically maintain that the one is borrowed from the other. The essay is free from all bias and moves along the lines of scientific investigation. Whether the results will meet with general acceptance or no, the question has been re-opened. A check at any rate has been placed upon the too facile method of emphasizing similarities and ignoring differences all with the more or less avowed tendency to minimize the originality of the sacred writers.—Barton's Commentary on Job in the Macmillan Series is a scholarly product which is deserving of unstinted praise. Barton is emphatic that there is no literary connection between our story of Job and its Babylonian counterpart, though he admits that the story of Job probably came to the Hebrews from a foreign source, possibly from Babylonia. With regard to the integrity of the book, Barton throws out the Elihu speeches together with ch. 28 (the praise of Wisdom) and 40, 15-41, 34 (the description of behemoth and leviathan) as interpolations. He accepts the conclusions of his pupil, Dr. H. H. Nichols (*AJSL*, XXVII, 97-186), that the Elihu discourses are themselves a composite document, but he is willing that the theory should be submitted to further criticism. With the exception of a few glosses, the poem up to the end of ch. 23 is substantially in the form given it by the author (barring textual corruptions). Bildad's third speech is tentatively reconstructed to consist of 25, 1-6; 24, 17. 18. 5-8; 30, 3-8; 24, 21. 22. 19. 20. 24. What remains of chs. 24 and 30 belongs to Job. To the third speech of Zophar are assigned verses 7-11. 13-23 of ch. 27. Job's last address was composed of 27, 1-6. 12; 29, 2-25; 30, 1. 2. 9-31; 31, 1-34. 38-40. 35-37. The date of the poem is placed about 400 B. C. The author was a Palestinian Jew. The intermediate notes between the English text and the commentary are a trifle too full and I fear are misleading for the very reason of their fulness. The reader will take them as matter bearing upon the text. Yet many of them, as for instance those of the Targum, may be of the nature of expansions which are interesting enough exegetically,

but hardly textually. It is true that the daughter-versions of the Septuagint are very useful in reconstructing the Greek text; but then the attempt should be made to do that work of reconstruction and then only the reconstructed Greek text should be cited as evidence, and that only also then when it has been ascertained that the Greek is based on a Hebrew variant. In the present state of the criticism of the Greek all such by-work is largely ornamental. It testifies to Barton's industry and good information at first hand; but with a scholar of Professor Barton's type the testimony might be taken for granted and the material allowed to rest in the card case until it was ready for systematic treatment.

Dr. Epstein is a man of advanced age, a lawyer by profession, who has turned to translating the poetic parts of the Old Testament somewhat freely into German verse. He acknowledges his indebtedness to Graetz, but above all to several Catholic commentators and specifically to Professor Schlögl to whom the rendition of the Song of Songs is dedicated. The rhymed translation has somewhat of a modern ring; but that is a matter of taste.

The problem of the relation of the apocryphal I (or III) Esdras to II Esdras (the translation of the canonical books Ezra-Nehemiah) to which reference was made in this REVIEW (New Series, I, 567 f.) is the subject of a painstaking investigation by Bayer. The author's aim is to controvert the theories of Howorth and Torrey according to whom the apocryphon represents the genuine translation of the canonical Chronicles and Ezra-Nehemiah by the Septuagint preserved in a fragmentary condition. Bayer contends that the translation is by no means a close version, if by closeness is meant literalness. The translation is rather a free one. Deviations from the original occur; some are based on a different text which occasionally is to be preferred to the received text; but the translator often failed to grasp the meaning of the Hebrew; his knowledge of the biblical Aramaic with its numerous foreign words was particularly deficient. The latter point serves to prove that the original which underlies the translation was like the canonical recension composed in both languages. The translator handled his text with a great deal of freedom by way of condensation or amplification. Of course, all

those cases are to be discounted which have undergone corruption in the transmission of the Greek text. Corruptions abound particularly in the proper names. The apocryphon is not a fragment. The two words with which it closes (*καὶ ἐπισυνήχθησαν*) are not the translation of נִסְפּוּ (Nehem. 8, 13) but are based on וְבָיִם misread into וְבָאִים. Ingenious as this conjecture is, it will not carry conviction. Thus the characterization of the work underlying the apocryphon as an excerpt from Chronicles-Nehemiah with the tendency to constitute a temple chronicle beginning with Josiah and ending in the promulgation of the Law by Ezra becomes a matter of doubt. Moreover, there is enough matter within this framework which is only remotely connected with the temple. Witness the story of the three youths for which Bayer vindicates a Semitic original. It will be readily conceded with Bayer that the apocryphon and II Esdras are independent works. There is much solid learning and earnest thinking in Bayer's effort. The problem is too intricate to be disposed of lightly. In any future handling of the question Bayer's thesis may be upset, but his book will have to be consulted and his arguments met.

Les Psaumes de Salomon. Introduction, texte grec et traduction.

Par J. VITEAU, Docteur ès Lettres. Avec les principales variantes de la version syriaque per FRANÇOIS MARTIN, Prof. de langues sémitiques à l'Institut Catholique de Paris. (*Documents pour l'étude de la Bible.* Publiés sous la direction de FRANÇOIS MARTIN.) Paris: LETOUZEY et ANE, 1911. pp. 427.

Viteau's new edition and translation of the Psalms of Solomon will be welcomed not so much for any new results that it may contain as for the thoroughness with which the ascertainable facts concerning date, author, and the times of the composition have been put together. The author furnishes not only a complete bibliography, but he summarizes the contents of each contribution. Very useful is the minute study of the phraseology of the Greek. The Greek is a translation from a Hebrew original which was composed between 63 and 40 B. C. by a member of the Pharisaic party at Jerusalem. The translation was made between 40 before and 70 after C. The ascription to Solomon

may come from still later times. The really new feature of the work is Prof. Martin's contribution in which the variants from the Syriac translation recently discovered by Rendel Harris are registered.

The Culture of Ancient Israel. By AARON P. DRUCKER, M. A.
New York: BLOCH PUBLISHING CO., 1911. pp. 124.

The Story of Israel and Judah. From the Call of Abraham to the Death of Nehemiah. By H. J. CHAYTOR, M. A., Headmaster of Plymouth College. London: BLACKIE & SON LIMITED, 1911. pp. xii + 311.

Selections from the Old Testament. Edited with introduction and notes by HENRY NELSON SNYDER, President and Professor of English Literature in Wofford College. Boston: GINN AND COMPANY, 1911. pp. xix + 210.

Early Religious Poetry of the Hebrews. By E. G. KING, D. D., Sidney Sussex College Cambridge. Cambridge: at the UNIVERSITY PRESS, 1911. pp. xvi + 156.

The Wisdom of the Apocrypha. With an introduction. By C. E. LAWRENCE. (*The Wisdom of the East Series.*) New York: E. P. DUTTON and COMPANY, 1910. pp. 124.

Mr. Drucker's lectures delivered before the Jewish Women's Council of Chicago were no doubt admired by his audience. A lecturer has a right to indulge in statements which when set in cold type need more than the enthusiasm of a club to substantiate them. Mr. Drucker might have done himself more justice had he chosen to wait a few years with the publication for which a little more information and a little less of hasty generalization would certainly have proved useful. The two lectures on the art and the drama of ancient Israel betray a shallow conception of the two elements of "culture." What the prophets have to do in a treatise on the evidence of "general culture" (see Preface) among the ancient Israelites I fail to see. For it is the un-religious kind of culture that the author sets out to describe. Mr. Drucker should not have followed the Authorized Version in the rendering of Isai. 40, 3.—Mr. Chaytor's *Story of Israel and Judah* is written

for students of the higher grades in a secondary school. The ideal which he sets himself was, in the language of Driver whom he quotes, to present nothing that a boy on reaching manhood should have to unlearn on the ground of either science or history. Whatever of criticism is injected into the Bible narrative which is re-told in simple language, is of the moderate kind.—Prof. Snyder presents the narratives of the Old Testament and some specimens of poetry in the language of the Authorized Version. The texts are printed consecutively. The aim of the selection is to teach the Bible style. Short notes follow at the end of the volume. In the hands of a good teacher, the volume will prove a very useful text-book.—Dr. King endeavors to put before the general English reader some idea of the rhythm of Hebrew poetry (kinah, acrostic poetry, the strophe, etc.). At the same time the varieties of subject-matter are illustrated.—The volume on the Wisdom of the Apocrypha contributed to the "Wisdom of the East" series is devoted to the Wisdom of Solomon and Ecclesiasticus which are reproduced in the translation of the Revised Version. A few portions have been omitted. An introduction giving an estimate of the two apocryphal works precedes.

Prophecy, Jewish and Christian. Considered in a series of Warburton Lectures at Lincoln's Inn. By HENRY WACE, D. D., Dean of Canterbury. London: JOHN MURRAY, 1911. pp. 192.

Messianische Weissagungen. Aus dem massoretischen und Vulgata-Texte für akademische Übungen zusammengestellt von P. MATERNUS WOLFF, O. S. B. Trier: MOSELLA-VERLAG, 1911. pp. iv + 103.

The Parting of the Roads. Studies in the development of Judaism and Early Christianity. By members of Jesus College, Cambridge. With an introduction by W. R. INGE, D. D., late Professorial Fellow, now Honorary Fellow of the College and Dean of St. Paul's. Edited by F. J. FOAKES JACKSON, D. D., Fellow and Dean of the College. New York: LONGMANS, GREEN AND CO., 1912. pp. xii + 347.

The Hope of Catholick Judaism: An Essay towards Orientation. By J. H. A. HART, M. A., Fellow and Lecturer of St. John's

College, Cambridge. Oxford: PARKER & Co., 1910. pp. xiv + 162.

Mountain Pathways. A study in Ethics of the Sermon on the Mount. With a new translation and critical notes. By HECTOR WAYLEN. Introductory letter by F. C. BURKITT, M. A., D. D., Norrisian Professor of Divinity in the University of Cambridge. Second edition: revised and enlarged. London: KEGAN PAUL, TRENCH, TRUEBNER & Co., LTD., 1912. pp. xviii + 128.

"The Son of Man," or Contributions to the Study of the Thoughts of Jesus. By EDWIN A. ABBOTT. Cambridge: at the UNIVERSITY PRESS, 1910. pp. lii + 873.

The Warburton Lectures on Prophecy by the Dean of Canterbury certainly conform to the purposes of the foundation which is "to prove the truth of revealed religion in general, and of the Christian in particular, from the completion of prophecies in the Old and New Testaments which relate to the Christian Church, especially to the apostasy of papal Rome." Dr. Wace rejects the critical views not because he is opposed to criticism itself, but because he is convinced "that those views rest on a totally mistaken, and in the strict sense of the word, preposterous application of criticism." With Dillmann he refuses to abide by a criticism which "turns the whole Old Testament topsy-turvy." He avers that spiritual principles and truths of the most vital consequences are involved in the conflict between the critical theory and "the theory of the Bible." "The narrative of the Bible represents God Himself as the great Author and Inspirer of His own revelation, not leaving men gradually to find Him out, as they would discover principles of science, or of ethics, or of theology, but as Himself finding them out, entering personally into relations of covenant with them at the very outset of the revelation in the person of Abraham, and leading them on by successive words, prophecies, rebukes, deliverances, to know Him better, to trust and to follow Him. The other view represents men as struggling for centuries with crude thoughts of God, without any sure, clear, or authoritative revelation from Him. It is all the difference between a natural evolution and a positive supernatural education."

"Successive revelation" will best describe the process. Predictive prophecy runs through the two Scriptures. The Messianic prediction is rooted in the very life, and in the intensest experience, of the Jewish people. An evolution it is, but it is accomplished throughout by the hand and the voice of the Evolver. The New Testament is perfectly continuous with the Old. The prophets looked always to the future, and to that extent the present was illuminated. We are not sufficiently informed about the contemporary reference of the Isaianic prophecy of Immanuel; but "that the Son of the Blessed Virgin has proved to be *God with us*, this is a matter which all Christian hearts will thankfully acknowledge." The eschatological predictions in the Gospels cannot be reduced to vaticinations after the event. The apostle's prediction that the Gentiles will be sharers with the Jews in their spiritual inheritance has become true. While not disposed to denounce another communion, as a Protestant Churchman he cannot disguise his belief that Catholicism represents an apostasy resembling the one depicted in the Epistles to the Thessalonians and in Revelation. Whatever be our view as to the merit of Dr. Wace's deductions, his insistence on the prophetic element in Scripture is indeed timely.

The Messianic or Christological passages of the Old Testament are gathered together by P. Wolff for the convenience of academic teachers and students. The Hebrew text and Vulgate are printed in parallel columns. The first passage is the *Protevangelium* (Gen. 3, 13-15).

"The Parting of the Roads" is the general title of a volume of ten essays dealing with the development of Judaism and Early Christianity. The essayists are all "either past or present members of Jesus College, Cambridge, and the greater number of them are young men who took their degrees "within the present century." Three of the ten essays are devoted to Judaism, and a fourth on "The Break between Judaism and Christianity" is from the pen of Mr. Ephraim Levine who is described by his teacher as an orthodox Jew. Mr. Levine shows himself at home in modern theological literature; he has read and digested exegetical works on the New Testament, a subject which few men who are "drawn

towards the ministry of the Synagogue" have cultivated; like some of his fellow-essayists he gleans his *loci probantia* from what is near at hand, from Encyclopedia articles for instance; like all of them, he writes interestingly; his conviction that the survival of Judaism after the daughter-religion had separated from the mother-church receives its justification not merely from what it still means for the Jews but also from what it has done for the world, will be shared by every Jew. Of the three papers devoted to phases of Judaism and meant as introductory to the New Testament studies, the one by Oesterley on Judaism in the days of the Christ will prove interesting to Jewish readers who will note with satisfaction the author's familiarity with Jewish sources, but in particular his apparent desire to be just to the religion of the Law. One cannot fail to discern in this gratifying change of tone the influence of Schechter whose years of residence in Cambridge, rich in productive scholarship which made him world-famous, were just as fruitful in impressing his Jewish view of things touching that interesting border-land between Judaism and Christianity on the rising theologians of the Cambridge school. It is equally a healthy sign of a momentous turn which theological study in England has taken that Schechter's *Aspects of Rabbinical Theology* are being read, excerpted, and commented upon.—Mr. Hart who avers in the preface to his book on "Catholick Judaism" that when at the advice of Professor Swete he came to Dr. Schechter, he "waved his hand at the Wilna Talmud and said, It's all in there," is another instance of a young English theologian who has perused the *Aspects of Rabbinic Theology*. His attitude is controversial. Finding Dr. Schechter no friend of the theory that in the apocalyptic literature there is contained an older stage of Rabbinism, he endeavors to construct in rebuttal a wider "Catholick" Judaism which is common to Old and New Testaments, to the prophets and apocalyptists, to Jesus and the rabbis. Mr. Hart's fondness for detecting paronomasias (instance *Christus* and *Chrestus*) which was noticed in a previous work by the same author (see this REVIEW, New Series, I. 407 ff.) remains open to objection, and so some of his general theories will arouse dissent. The little volume which is part of a series in which it is aimed to "discuss Judaism in its history, or its doctrines, from a Christian standpoint, and to

bring before both Christian and Jewish readers the relation that Christianity holds to Judaism," is on the whole interesting, and while the Christian standpoint will not be accepted by Jews it merits attention, especially as the Jewish side is sufficiently taken into account.—Mr. Waylen's interpretation of the Sermon on the Mount of which a new translation is offered serves in the main the purpose of showing how the sayings of Jesus are rooted in the teachings of the Old Testament and in rabbinic lore. The author who is "not ashamed to confess experiences of that order of things which is popularly called 'psychic'," though availing himself of all the light which historical, or, as we should say, philological study, is able to throw on these ancient sayings, is nevertheless eager to penetrate behind the mere word to the spiritual or "psychic" thought underlying it and thus to detect points of contact which the narrower philology will pass by in silence. The translation is not exactly intended to be in modern English; but the language chosen is interpretative and is meant to reproduce the effect on the immediate hearers to whom the sayings were addressed. The text underlying the translation is of the author's own making; readings from the Old Syriac are introduced. As an example we may mention the rendering 5, 32: But I say to you that he that dismisses his wife concerning whom adultery has not been alleged, etc. Interesting is his interpretation of *μωρε* 5, 22 not from *μωρος* "fool," but as a transliteration of *מרה* "rebel"! The author is perfectly justified in his repudiation of the tendency "to soften down and take the keen edge off even many of the simplest sayings in the New Testament" which he traces to "want of personal experience in the lives of professing Christians" combined with "far too much reliance upon outward forms, church-organizations, and clerical ministrations."

The signification of the title, if a title it be, "The Son of Man" which is used by Jesus with reference to himself has been the subject of special investigations within recent years. Dr. Abbott assumes that the current idea in England at any rate is that in using this self-appellation, Jesus had reason to believe that his hearers would recall the phrase used in Daniel (7, 13) conceived as a title of the Messiah. Against this contention the author

argues that Daniel does not mention "the Son of Man" at all, but merely says "one like a son of man," that is one like a human being, and in the second place that "the Son of Man" is not a recognized Messianic title in either of the Talmuds or in any other early Jewish literature. Even in Enoch "the son of man" is not a title. A supernatural being is introduced as having the appearance of a man, and then in the sequel he is naturally enough referred to as "the" or "that son of man," that is, the being previously characterized. If then the appellation does not straightway denote the Messiah, what does it denote? Accordingly, Dr. Abbott's working hypothesis with which he starts in order to defend it by a minute examination of the documents bearing on the question is to this effect: Jesus was influenced by the Scriptures in their entirety, not indeed excluding the vision of Daniel but including a great deal more; the Scriptural conception of "man" and "the son of man" has reference to the dignity of man as above the beast and as possessing the faculty of communion with God; "the son of man" in Hebrew really means "the son of Adam (the first man)" who was not brought forth from the earth, like the other animals, at God's command, but formed by the Lord God Himself from the dust of the ground, inspired by Him with the breath of life, and commanded by Him to rule over the animal creation; in particular Jesus had in view the appellation of "son of Adam" given to Ezekiel; the Targum correctly renders *bar Adam* ('son of Adam'); hence Jesus, speaking in Aramaic, called himself *bar Adam*, "son of Adam"; Ezekiel saw one like "a man" near the throne in heaven, that is, he realized the humanity of God; and when the prophet was addressed as "son of man," it signified the divinity of man; Jesus was attracted by this vision, as there are many more parallelisms between Ezekiel and Jesus; he appropriated this prophetic conception of the humanity of God and the divinity of man and, in using the self-appellation *bar Adam*, he meant to convey to his hearers the thought: Keep constantly in view my human nature, that you may perceive how divine a thing human nature may be, and that you may be led through the knowledge of the divinity of Man to the knowledge of the humanity of God; Paul understood Jesus well when he designated him as the second Adam, being the incarnation of the real or

ideal Man, the Lord above, the perfect and heavenly pattern of the earthly and imperfect Adam who fell. Dr. Abbott quotes Kimḥi in support of his theory that "son of man" in Ezekiel is a title of honor; but the further deductions by the Christian theologian would certainly not be acceptable to the Jewish commentators. Even Rashi in his first explanation (the second explanation appears to be a gloss) is bent upon emphasizing the distinction between the prophet who is born of woman and the angels with whom he associates. But the view of the gloss which is borne out by Jerome is probably nearer the truth: the prophet is to remember that he is *but* man. However that may be, Dr. Abbott's work which represents a painstaking study of all the passages in the Gospels, including the fourth, is replete with fine exegetical observations. His insistence on going behind the *words* to the *thoughts* and on harmonizing divergent accounts to get at the *facts* is a sound principle which serious students will do well to ponder over. Altogether the book is an important contribution to the exegesis of the New Testament. Much can be learned from a series of longer footnotes. Nothing has escaped the attention of Dr. Abbott. Thanks to Wünsche's translations, he is at home in the midrashic literature as far as it bears upon his subject. He has also availed himself of the information furnished him by Jewish scholars.

Neutestamentliche Grammatik. Das Griechisch des Neuen Testaments im Zusammenhang mit der Volkssprache. Dargestellt von Dr. LUDWIG RADERMACHER, o. Professor an der Universität Wien. (*Handbuch zum Neuen Testament.* Band I, 1.) Tübingen: J. C. B. MOHR (PAUL SIEBECK), 1911. pp. iv + 207.

An Atlas of Textual Criticism. Being an attempt to show the mutual relationship of the authorities for the text of the New Testament up to about 1000 A. D. By EDWARD ARDRON HUTTON, M. A., Vicar of St. Michael's, Hargrave. Cambridge: at the UNIVERSITY PRESS, 1911. pp. xviii + 125.

Naum Testamentum Latine. Secundum editionem Sancti Hieronymi ad codicum manuscriptorum fidem recensuerunt IOHANNES WORDSWORTH, S. T. P., Episcopus Sarisburiensis, et

HENRICUS IULIANUS WHITE, A. M., S. T. P., Noui Testamenti Interpretationis Professor apud Collegium Regium Londini. Editio minor curante HENRICO I. WHITE. Oxonii: e TYPOGRAPHEO CLARENDONIANO, MDCCCXI. pp. xx + 620.

The Commentaries of Isho'dad of Merv, Bishop of Hadatha (c. 850 A. D.), in Syriac and English. Edited and translated by MARGARET DUNLOP GIBSON, Hon. D. D. (Heidelberg), LL. D. (St. Andrews), M. R. A. S. In three volumes. With an introduction by JAMES RENDEL HARRIS, Hon. D. Litt. (Dubl.), Hon. LL. D. (Haverford), Hon. D. theol. (Leiden), Hon. LL. D. (Birmingham), Hon. Fellow of Clark College, Cambridge. (*Horae Semiticae*. No. V.) Cambridge: at the UNIVERSITY PRESS, 1911. pp. xxxiii + 290; 238; 230.

The Modern Speech New Testament. An idiomatic translation into everyday English from the text of "The Resultant Greek Testament." By the late RICHARD FRANCIS WEYMOUTH, M. A., D. Lit., Fellow of University College, London, and formerly Headmaster of Mill Hill School. Edited and partly revised by ERNEST HAMPDEN-COOK, M. A., formerly Exhibitioner and Prizeman of St. John's College, Cambridge, B. A., London. New York: THE BAKER AND TAYLOR CO., pp. xiv + 674.

The Gospel according to St. Luke. Edited by FREDERIC W. FARRAR, D. D., formerly Dean of Canterbury. (*The Smaller Cambridge Bible for Schools*.) Cambridge: at the UNIVERSITY PRESS, 1910. pp. 266.

La date de "l'épître de Barnabé." Par MICHEL D'HERBIGNY. Extrait des *Recherches de Science Religieuse*, Nos. 5 et 6, 1910. Paris: BUREAUX DES "RECHERCHES DE SCIENCE RELIGIEUSE," 1910. pp. 417-443; 540-566.

Radermacher's Grammar is not intended for learners. But for all those who wish to make a study of the relation of so-called Biblical Greek to the Hellenistic language the work will prove eminently useful. The student of the Septuagint will do well to consult the Syntax considering that thus far this side of the grammar has not been treated by either Helbing or Thackeray.—The

study of textual criticism is not an easy one. For the New Testament great masters have done eminent work. The uncials have been thoroughly collated and of the thousands of cursives a twentieth part at least is available to the student. The mass of evidence as far as ascertained has been sifted. Three large groups have come to the surface: the Alexandrine, Western, and Syrian. Mr. Hutton's aim was to offer the student "a kind of chart" to show him his way in the maze of critical work. With a view to this purpose he has drawn up a list of select passages (312 in number) in which the three forms of the text show divergent readings. In a series of tables the evidence of quite a formidable list of authorities (Greek MSS., daughter-versions, Fathers) is gathered up; by means of signs indicating the three groups together with peculiar types the reader is enabled to see at a glance which of the types are represented by each authority. When thus new MSS. present themselves it will be possible by the aid of these tables to ascertain their character at least in the light of telling examples. In an excursus on the Ferrar group it is shown that of the five MSS. examined by the author (13, 69, 124, 346, 543) three (13, 346, and 543) may be entirely ignored since they have nothing in them that cannot be found in 69 and 124.—The minor edition of a critical text of the Latin (Vulgate) New Testament is for the first part (to the end of Romans) a reprint of the major edition (Oxford 1909-1905); for the rest only the more important codices have been inspected. Of the two collaborators in the major edition, Wordsworth has departed this life; the smaller edition has been prepared for the press by White alone.—Ishodad who was one of the most learned Nestorian bishops lived in the ninth century. Of his commentary on the Old Testament only a small amount has been published (selections from the Minor Prophets and the Psalter by Dietrich who has also written on Ishodad's place in the history of the exegesis of the Old Testament; Job by Schliebitz; Canticles by Euringer). Now his commentary on the Gospels is presented in full (text, translation, introduction). The text is based on a transcript of an Ooroomiah MS. in the possession of Dr. J. Rendel Harris (who has written the introduction to the edition); in the footnotes variants from two Cambridge and one Oxford MS. are given. For the trans-

lation Mrs. Gibson, the editor of the Syriac text, has had the benefit of suggestions from Prof. Nestle. This triple cord should guarantee the quality of the work. The value of Ishodad consists, in the language of Dr. Harris, in that he is "a mine of information." "He supplies us with (1) acute criticisms as to the causes of various readings, including Synoptic variations; (2) he brings us evidence for the existence of Syriac variants, in the case of readings whose attestation has been hitherto limited to Greek, or to Greek and Latin; (3) he recovers for us a number of actual quotations from the lost Syriac of Tatian's Diatessaron, which are reinforced by the secondary evidence of a number of passages in which Ephrem comments upon the Diatessaron; (4) he supplies us with a mass of readings from the Old Syriac Gospels, which are anterior to the Diatessaron, or, if we follow Dr. Burkitt's criticism, somewhat later than the Harmony." On p. xxvi of the Introduction *burning* and *heavy* should change places; see, by the way, Nestle, *Einführung* 1899, 231; Wellhausen, *Evangelium Lucæ*, 139.

In 1886 (reprinted 1892) Weymouth published The Resultant Greek Testament, "exhibiting the text in which the majority of modern editors are agreed." Upon this text is based his translation into every-day English now appearing in a revised edition. Whatever one may think of the attempt to use modern English in a translation of the Scriptures, Weymouth has understood the difference between that which is antiquated and that which is obsolete or obsolescent. "Without at least a tinge of antiquity it is scarcely possible that there should be that dignity of style that befits the sacred themes with which the Evangelists and Apostles deal." He does not believe that a slavishly literal translation is calculated to bring out the force of the original. He evidently thinks of the Revisers when he refers to men of high ability and undoubted scholarship "racking their brains to exhibit the result of their labors—a splendid but idle philological *tour de force*—in what *was* English nearly 300 years before." Nevertheless, it is not his intention to supplant the older versions. His own translation was rather to serve by the side of its elder compeers as a succinct and compressed running commentary. He has paid attention to whatsoever may shed light on the Greek which is not

the classical, but the later form of the language; and help was sought from the Septuagint and the Hebrew Scriptures. As a specimen the first four verses from "The Letter to the Hebrews" may follow:

"God, who in ancient days spoke to our forefathers in many distinct messages and by various methods through the prophets, has at the end of these days spoken to us through a Son, who is the pre-destined Lord of the universe, and through whom He made the ages. He brightly reflects God's glory and is the exact representation of His being, and upholds the universe by His all-powerful word. After securing man's purification from sin He took His seat at the right hand of the Majesty on high, being made as far superior to the angels as the Name He possesses by inheritance is more excellent than theirs."

The volume on St. Luke in the Smaller Cambridge Bible for Schools appears now in a new edition, revised and enlarged. In the Introduction, St. Luke is said to dwell on Christ's ministry *to the world*; his, is moreover, the Gospel of *Womanhood* and *tolerance*.

The Epistle of Barnabas is not in the canon. It is first mentioned by Clement of Alexandria, and its date has been variously fixed. It is admitted by all critics that it was written certainly after the destruction of Jerusalem and before the death of Hadrian. M. d'Herbigny's paper is directed against Harnack who in his *Chronologie der altchristlichen Litteratur* refuses to make any deductions from 4, 4 where Daniel 7, 24 is quoted with some important alterations: "Thus also saith the prophet, Ten βασιλειαί (dominions) shall rule over the earth, and a *small* king shall arise thereafter, who shall humble *all at once* three kings." According to Harnack, the writer in adducing the prophecy was himself ignorant of its signification. D'Herbigny is of the contrary opinion. Naturally Pseudo-Barnabas thinks of the Roman emperors. The question has been, How is the count to be made? The author considers Caesar and Anthony as the first two and thus easily finds the eleventh in Vespasian whose immediate predecessors were Galba, Otho, and Vitellius, who all three died in one year. The hypothesis in support of which an interesting exegetical analysis

is given (τῆς τοῦ σταυροῦ with reference to the triumph of the cross, a stumbling block to the Jews) is certainly plausible.

Die Oden Salomos. Aus dem Syrischen übersetzt, mit Anmerkungen. Von A. UNGNAD und W. STAERK. (*Kleine Texte*, etc. Herausgegeben von HANS LIETZMANN.) Bonn: A. MARCUS und E. WEBER's Verlag, 1910. pp. 40.

Das Verständnis der Oden Salomos. Von Lic. theol. WILHELM FRANKENBERG, Pfarrer in Ziegenhain. (*Beihefte zur Zeitschrift für alttestamentliche Wissenschaft*. XXI.) Giessen: ALFRED TOEPELMANN, 1911. pp. 103.

Les Odes de Salomon. Une oeuvre chretienne des environs de l'an 100-120. Traduction française et introduction historique. Par J. LABOURT et P. BATTIFOL. Paris: LIBRAIRIE VICTOR LECOFFRE, 1911. pp. viii + 121.

Die Oden Salomos. Syrisch-hebräisch-deutsch. Ein kritischer Versuch. Von HUBERT GRIMME, o. ö. Professor an der Universität Münster i. W. Heidelberg: CARL WINTERS UNIVERSITAETSBUCHHANDLUNG, 1911. pp. vi + 149.

Around the *Odes of Solomon* which J. Rendel Harris made known in 1909 a literature of goodly proportions has arisen. Ungnad and Staerk give a translation of the Syriac together with a translation of the fragments preserved in the *Pistis Sophia*. The other three publications take sides in the controversy concerning the reputed Jewish origin of the *Odes* in accordance with a theory advanced by Harnack. Grimme follows Harnack and reconstructs the Hebrew original in metrical form; Frankenberg who sees in the *Odes* a Christian product of the Alexandrian school and of the times between Clement of Alexandria and Origen attempts a retroversion into Greek as not merely the immediate, but the ultimate original. Batiffol, on the basis of Labourt's translation of the Syriac, though he rejects Harnack's theory and vindicates for the *Odes* a Christian origin, ascends higher; according to him the poems were composed between 100 and 120 in Syria or perhaps Asia Minor.

A Fountain Unsealed. London: THE BIBLE HOUSE, 1911. pp. 129.

Our Grand Old Bible. Being the story of the Authorized Version of the English Bible, told for the tercentenary celebration. By WILLIAM MUIR, M. A., B. D., B. L., Second edition. New York: FLEMING H. REVELL COMPANY, MCMXI. pp. xii + 242.

The Story of the English Bible. By PRESTON B. WELLS, A. M., of the Louisville Conference Methodist Episcopal Church, South. Louisville, Ky.: PENTECOSTAL PUBLISHING COMPANY, 1911. pp. 204.

Our English Bible. The history of its development. By the Rev. J. O BEVAN, M. A., Rector of Chillenden, Canterbury. With introductory note by the MARQUESS OF NORTHAMPTON, K. G. London: GEORGE ALLEN & SONS, 1911. pp. xv + 93.

The Romance of the English Bible. By JOHN T. FARIS. Philadelphia: THE WESTMINSTER PRESS, 1911. pp. 63.

Records of the English Bible. The documents relating to the translation and publication of the Bible in English, 1526-1611. Edited, with an introduction, by ALFRED W. POLLARD. London: HENRY FROWDE (OXFORD UNIVERSITY PRESS), 1911. pp. xii + 387.

The noble achievements of the British and Bible Foreign Society are interestingly set forth by the Rev. T. H. Darlow, Literary Superintendent. In tracing the history of older attempts in the direction of making the Bible accessible in the vernacular and in disseminating it, the fact is brought out that the material means for all such purposes came from voluntary contributions. Thus the expense of issuing the revised French Geneva Bible (1588) in three different sizes "to suit people of all conditions" was defrayed "by certain wealthy men who sought no gain for themselves but only to serve God and His Church." The expense of producing the first Bible printed in America (Cambridge 1663) was borne by the "Corporation for the Promoting and Propagating of the Gospel of Jesus Christ in New England" founded in 1649. The Port Royal version of the New Testament in French was issued in 1667 in many forms and sizes, including very cheap editions

for the poor; we are told that pious persons "sent out from Paris a great number of colporteurs to sell copies at cost price, or even less, and defrayed the expense by voluntary gifts." The British and Foreign Bible Society which was founded in 1804 has spent nearly sixteen millions sterling and issued more than two hundred and twenty-nine million copies of the Holy Scriptures complete or in parts. Versions have been published in some five hundred languages or dialects. It is certainly a source of gratification to every lover of the Bible that the Scriptures, though in the form of a Protestant Christian version, is penetrating the dark continents and the farthest isles of the sea. In England, an English Bible may be had for the price of tenpence and a New Testament for a penny. To the British Bible Society we owe the cheap editions of the Hebrew Bible; from its press will be issued Christian D. Ginsburg's new and large edition of the Masoretic text. The Society's Report for 1910-11 popularly presented constitutes a splendid memorial of the tercentenary of the English Bible.—Beside Prof. Cook's publication in honor of this great event just referred to which received notice in this REVIEW (New Series, I, 576), five further treatises have appeared all dealing with the story of the English Bible. The most interesting documents relating to the translation and publication of the Bible in English have been edited by Pollard. Aside from the learned introduction by the editor, the documents tell their own story; and as they are not so readily accessible, their publication will be welcomed by all interested in the steps by which the Authorized Version came into existence. The other publications all narrate the story or romance of the English Bible interestingly and learnedly.

Readings from the Bible and Apocrypha. Selected and arranged by EDITH MARY ECROYD. London: HENRY FROWDE (OXFORD UNIVERSITY PRESS), [1911]. pp. vi + 336.

Biblical Quotations. By JOHN H. BECHTEL. Philadelphia: THE PENN PUBLISHING COMPANY, 1911. pp. 180.

Five Minute Bible Readings. From Genesis to Revelation. For private use and family worship. Arranged by a layman. With introduction by HENRY VAN DYKE, D. D. New York: FLEMING H. REVELL COMPANY, 1910. pp. x + 378.

Three popular works all aiming at supplying convenient manuals for private reading of the Scriptures and for the increase of Bible knowledge among the laity.

Dropsie College

MAX L. MARGOLIS

LAZARUS' ETHICS OF JUDAISM

Die Ethik des Judenthums. Dargestellt von Prof. Dr. M. LAZARUS.
Zweiter Band. Aus dem handschriftlichen Nachlasse des
Verfassers herausgegeben von J. WINTER and AUG. WÜNSCHE.
Frankfurt a. M.: J. KAUFMANN, 1911. pp. LV + 404.

WHEN Professor Lazarus issued the first volume of his notable work on the Ethics of Judaism in 1898 (English Translation, Jewish Publication Society, 1900-01) he included a table of contents of a forthcoming second volume. At the time of the author's demise in 1903, this second volume had not appeared. However, notice was given that although the manuscript had not received the finishing touches from the hand of the author, it was left in such shape as to be practically complete. The volume, edited by J. Winter and August Wünsche, the well-known collaborators in the publication of translations of many volumes of *midrashim* has now appeared. In their preface the editors state that they have published the manuscript quite as it was left by the author with the exception of having translated in full many passages from the rabbinical literature that Lazarus simply indicated. They also inserted other rabbinical utterances that might illustrate the thought. But further than this they did not venture. They changed in no manner the written words whereby the author had expressed his own thought.

Although granting that if the author had lived to complete the book, many a chapter would have been recast and many a point that is simply indicated would have been amplified, the editors yet claim that this second volume is not a torso in the real sense of the word ("Der Band ist kein Torso im strengen Sinne des Wortes"). I am unable to agree with the editors in this view. There are, it is true, many fine and illuminating thoughts in the

book, but there is much that is fragmentary, which the author would undoubtedly have elaborated, and much that is verbose which the author would just as surely have rewritten and compressed. The volume will add nothing to Lazarus' fame. I cannot but feel that those responsible for the publication would have been better advised had they not issued this posthumous work. In its present form it falls far below the masterly first volume.

The task of the reviewer of such a posthumous volume is difficult. It is most ungracious to write detrimentally in any way of the work of one who is beyond the power of reply. The present writer is most reluctant to incur the charge of such ungraciousness and therefore he will confine himself as much as possible to presenting the plan of the work and pointing out its leading thoughts as far as they appear.

It is cheerfully conceded that the plan of the work is finely conceived and carries out the original scheme of the author as sketched in the first volume. The second volume is divided, as was its predecessor, into sections, chapters, and paragraphs. Although this method may appear too formal to some, it has the advantage of presenting the subject-matter in clear and definite form and giving the work the scientific cast. The new volume contains two sections, the third and fourth of the whole work, viz.: The Path to Morality, and The Form of Morality, which is to be shaped. The former of these sections contains three chapters as follows: chapter 8, Permanent Qualities, Virtues (מדות) which should be acquired; chapter 9, The Manifestations of Virtue; Will, Self-Control; chapter 10, Duties (חובות) which should be fulfilled, or ideas which should be realized. The latter section contains five chapters, namely: chapter 11, Forms of Association; chapter 12, The School as the connecting link between the individual and society; chapter 13, Society; chapter 14, Circles of Society; chapter 15, The State: Mankind, and Messianic Hopes.

This plan is comprehensive and had the author lived to finish the volume in all its details, in accordance with the plan, he would have given to the world the most satisfactory systematic treatment of Jewish ethics that we have.

The best portion of the volume is the author's Introduction (pp. ix-xlIII). This also has been left in unfinished form, but even in this form, the introduction sets forth many noble thoughts with that clearness of expression for which Lazarus was noted. As in the first volume so here also he demonstrates constantly that Judaism is permeated with the ethical spirit. The idealism of Judaism is indestructible. Woe unto the people, writes he, to whom a scientific ethical treatise with its contents is a novelty and teaches new things; and woe to that ethical science which is merely an individual production and is not the outcome of the spirit of the community. A work on Jewish ethics then, although written or compiled by an individual, must be the expression of the spirit of the Jewish people. And herein lies the peculiarity of the Jewish people, that its entire view of life is ethical. There are many who, while granting this, still doubt the necessity of a work on the Ethics of Judaism, because to their mind there is now a certain community and identity of ethical ideals among European peoples and the ethics of Judaism has been merged in the ethics of European life. But Judaism is here as a living fact and the essentiality of this fact is the ethics of Judaism. The underlying motive of Jewish ethics, as compared with that of other ancient peoples, is unique. The appeal of Jewish ethics is to the Jew; it is not for Judaism to decide whether others are to draw benefit from its ethical treasures.

The ethical spirit of Judaism is social. The value of the individual lies in his ability to identify himself with and work for society. To be holy means not to retire from the world and live in a hermit's hut or a monastic cell, but to reach out towards life's highest possibilities in social contact with the fellowmen. The ethical teachings of the rabbis are of a social character. They speculate little on abstract ethical principles and theories, but give expression to practical rules of life whereby the individual can advance the welfare of the society in which he lives. The necessity was never felt in Judaism to seek for a metaphysical foundation for ethical teaching or to connect ethical life with promises of reward or threats of punishment in a future life. The ethical warrant has been immanent in the Jewish view of life from the be-

ginning; all that has been wanting has been to cast it in scientific form.

However, rabbinical ethics is characteristic not only in that it is predominantly social, which involves as a matter of course the idea of the responsibility of the individual to society and to humanity at large, but also in that it is pervaded with the thought of individual freedom. The individual is ethically free as he is ethically responsible. His is the power to shape his life. Although it is well and necessary to teach the rules of morality, still all the teaching will prove of no avail unless those taught are receptive and of their own accord translate the teaching into action. The ethical experiences of past generations and the ethical doctrines of the great teachers are of supreme value, but they are theoretical at best, for each and every individual. They can be helpful and without doubt frequently are, but when all is said and done, the ethical life flowers only by individual effort. Each individual is an ethical entity and carves out his own moral experience. In a way, the ethical life is the individual self-expression of each human life. Freedom is its fundamental condition.

Here then is a seeming paradox. The ethical life bases upon individual effort but yet finds its highest expression in social service. Individual responsibility and individual freedom are its indispensable requisites, but the responsible and free individual must find the culmination of ethical effort in working together with other equally free and responsible individuals for the well-being of society. In the proper adjustment of individual freedom to social responsibilities lies the ethical problem of each human life.

This, however, is only superficial. In all truth, individual freedom and social responsibility are the obverse and the reverse of the same shield. The two must go hand in hand to make possible the highest development of the individual and society along ethical lines. Hillel pierced to the heart of the matter when he joined into one phrase the two questions: "If I am not for myself, who is for me? and if I am only for myself, what am I?"

Now it is in expressions like this that the Jewish ethical spirit found voice. There are thousands of such ethical teachings and sayings. They are expressive of the Jewish folk spirit which

has been a breathing reality for thousands of years. This ethical folk spirit has broadened and deepened with the passing of time. The fundamental thoughts have found constantly new applications. The ethical life has been continually enriched. Laws and institutions have arisen which embodied the ethical spirit. We have then a great multiplicity of ethical teachings and institutions. The underlying unity must be looked for in this great multiplicity. This, the author states, has been his purpose and his task. This underlying unity must be sought in the surviving literary and historical works wherein the ethical thought and outlook of past generations are preserved. These sources must be approached not with any preconceived ideas as to the fundamental unity. We may not read our ideas into these sources but we must discover the ethical principle which underlies the many manifestations of the Jewish spirit found in these annals of the past. It must be said, however, that the author himself is not always mindful of this. We have frequent interpretations which are his individually and are called forth largely by his own view of life. Then, too, as in the first volume, his predilection for the Kantian philosophy constantly appears. In fact, he says unequivocally that there are many similarities between Kant's fundamental ideas and the Jewish spirit and that through Kant one learns to understand the rabbis better. He is led to make the latter statement because of a criticism of his Kantian tendencies in the first volume. He grants that his interpretation of the rabbinical utterances has been shaped largely by the influence upon his thought, not only of Kant but of Plato, Aristotle, and Spinoza. Were it not for this he would have found in the rabbinical utterances cast as these are in an exotic unscientific form, nothing more than have the generations since. We are unjust to the ancients, he claims, if we do not find in them modern thoughts.

The author asks what the sources are from which the ethical content of Judaism is to be drawn and what relation they bear to one another? (Introduction, p. XLVIII). Here the introduction stops abruptly. The author did not live to answer the questions and to finish this fine essay. But up to this point the author developed his thought fully and clearly.

Although the introduction is a fragment still it is complete enough to indicate that the author continues the plan and purpose of the first volume in this second. That purpose is to present the ethical spirit of Judaism as it appears in the life and literature of the Jews. Lazarus makes clear in both volumes that although the Jews did not systematize their ethical views still the ethical spirit was life of their very life, being of their very being. This ethical spirit expressed itself in a thousand ways, in aphorisms, apothegms, proverbs, sayings, parables, similes, anecdotes, and discussions, preserved in the great literature of bygone ages and developed in the varied life of Jewish communities throughout the world. These form the material for a systematic presentation of Jewish ethical conceptions on all the relations of life. Every proposition of the presentation should therefore be illustrated by the utterances of the sages and rabbis.

The body of the work is devoted to elaborating, in greater or less detail and in more or less finished form, the many branches of individual and social activity from the Jewish ethical viewpoint. It is impossible in a brief review to do more than indicate some of the points touched by the author in the comprehensive scheme of his survey. Throughout his work he is insistent upon the fact that in Judaism every activity of life is ethically conditioned; the prophets and sages wove ethics into the whole pattern of human existence. Herein he finds the Jewish viewpoint unique; note, for example, his illuminating statement on the contrast between the spirit of the Bible, the Jewish classic, and Homer, the Greek classic: "the Greeks gave their children Homer, we give ours the Bible The ethical teaching is rarer, weaker in the Homeric songs, yes, quite frequently the view-point is unethical since the most exalted beings sink into moral obliquity. I need say nothing of the power and depth of the ethical pathos in the Bible" (p. 36). The fundamental principle of Judaism, the knowledge of God, implied the pursuit of the highest morality (p. 11). The Jews of to-day must regain this point of view. When the Jews left the ghetto, the material values of life overshadowed everything else for them. They now share this error with many others. In this crass materialism they are recreant to the Jewish heritage (p. 171). The Jewish spirit declares life to be not merely economically im-

portant, but ethically far more so. This teaching must be brought home constantly to the modern Jews in their prosperity; they must interpret life in ethical terms. "Judaism and Jewish ethics must concern themselves in theory and practice with the larger activities, with the relations to industry and commerce, to learning and art, to society and the state Here Jewish ethics has only to climb to its own heights. The ethical principles of Judaism need be only reasserted, for these principles are of such richness and depth that Jewish ethics is the peer of any ethical theory that has ever appeared among men" (p. 175). Time and again the author asserts that it is the purpose of his work to teach and influence Jews (if non-Jews are also influenced, it is well, but this is not his main object), to make them feel that Judaism spells ethical conduct and that its ethical doctrines are equal to all the demands and intricacies of modern life.

This leads us to what may be considered the chief value of this second volume of Professor Lazarus' work, namely, the interpretation of the conditions of modern life in terms of Jewish ethical theory. To his mind we are witnessing to-day a return to the characteristic feature of Jewish ethics, namely, its social content. The predominant note sounded among men now is the necessity of social salvation; the welfare of the individual is dependent upon the welfare of society. This was obscured in mediæval life. Among Christians as a matter of course stress was laid upon the salvation of the individual soul in the hereafter rather than upon the salvation of society here. The Christian ideal was other-worldly. Among Jews, also, although for entirely different reasons, the ethico-social ideal was obscured. Owing to the exclusion of Jews from participation in the activities of the world in the Middle Ages, the larger aspect of the duties to society and humanity disappeared and emphasis was laid upon individual duties. In proof of this Lazarus asks the pertinent question whether in the Jewish ethical classic of the Middle Ages, the *Hobot ha-lebabot* of Bahya, there is one reference to the duties owing to the state, to society, or even to Jewry at large. The prophetic word, "I have made thee a light of the nations" (Isai. 49, 13) lost all significance. Under the changed conditions of to-day, this idea must again come to its own. The value of the individual life

then lies in the contribution to the welfare of the society to which its possessor belongs. All work has an ethical background, and the more conscious the individual worker grows of this the more does he advance toward the ethical goal. Lazarus elaborates this thought at great length and draws his illustrations from the professions, the home life, trades unions, employers' associations, etc., etc. Let a few of his striking phrases expressive of these thoughts be reproduced here. "Because the fundamental thought in Judaism is ethical association, the significance of the individual and of each individual action as contributing to the welfare of the whole looms so large on the horizon of Jewish life" (p. 302). "Who is my neighbor? He who needs my help most at this moment, and to help whom I have the power" (p. 222). "Man toils not only for himself but also for others, i. e. for society. This is the true inwardness of righteousness. Working for oneself in order to be able to do for others" (p. 223).

Although recognizing the worth of each individual life and the right of every individual to develop his own powers, still each individual receives his strongest impulses from society. To separate an individual from his environment, from his real and ideal relationships, is to separate him from himself. An individual *per se*, a personality by itself, is a mere abstraction, yes, a mere fiction.

What a man is, he owes largely to society, and he can develop properly only by maintaining a living, active relationship to society. It is here that the significance of the "law" that holds so large a place in Jewish life appears. The natural egoism of the individual must be curbed for the good of others; individualism must be conquered for the benefit of the general good; this is achieved through the law. The law is by its very nature universal; it is for all; and at the same time it is for every individual the strongest tie to society. By submission to the law which others must also obey, every individual becomes a member of the whole (p. 305). The all-important point is the spirit of law and the recognition by the individual of his duty to observe the law for the welfare of the society in which he lives. Still special laws may fall into disobedience with the change of conditions and circumstances. For

example, in speaking of the treatment of strangers, Lazarus says that there are prescriptions laid down in the Talmud which we to-day can observe as little as in talmudic times all the commands of the Mosaic law on this subject could be observed. But, and here is the all important consideration, "the ethical content so characteristic of the old law and which reappears in the talmudic ordinances we too must retain in our modern application."

The social ideal is strongly apparent in charitable effort. The underlying principle has continued the same in Judaism through the ages and remains the same to-day although the methods are changing. Emphasis should be laid, however, on the unique feature of the Jewish conception of philanthropy, viz.: that it should be combined with the idea of Justice, the underlying Jewish social concept. In the dispensing of charity, mere emotion may not be the guiding principle; consideration of the circumstances in the case and regard for others must also weigh in the scale. This section (p. 224 ff.) sets forth the many provisions for the help of the needy among the Jews. The principles of Jewish philanthropy as developed in the course of the centuries are remarkable for their sanity and their true grasp of the problems.

The mention of justice as the underlying Jewish social concept reminds us that this runs as a red thread throughout the whole work. The theme was developed in the first volume and appears constantly in this second volume as determining the Jewish ethical viewpoint.

In the eleventh chapter of the work, the author touches on such interesting themes as, marriage (p. 265 ff.), the position of woman (p. 268 ff.), the rearing of children (p. 275 ff.) hospitality (p. 277), the treatment of employés (p. 288), the attitude toward the stranger (p. 283), kindness to animals (p. 287), and the like.

In his chapter on education, he defines the school as the link between the individual and society. Here he has much that is interesting to say on the relation of teacher to pupil. In view of the difference among educational experts as to the advisability and method of ethical instruction in schools, it is interesting to note that Lazarus is an advocate of systematic, yea, even catechistic ethical instruction, as against the occasional and unsystematized

inculcation of ethical virtues. "If the true connection of fundamental ethical principles, or in other words, if ethics as a science has been so assimilated by the teacher as to have become a very part of himself, the ethical viewpoint will appear in every hour of his instruction" (p. 289).

The closing section of the book treats of the state, the nation, humanity, and messianic hopes, however, in very fragmentary fashion. Since the political conditions under which Jews are living to-day are so different from what they were in the biblical and post-biblical periods of Jewish antiquity, the political regulations of the ancient Jewish commonwealths have merely historical value for us, and can exert but little influence on our political thinking. For these political forms were transient; what is of value and interest to us are the ethical maxims which were contained in the political regulations. Lazarus contends that the idea of the state is inseparable from justice. The state must serve the idea of justice. Righteousness is the ideal, the state is the means for attaining this ideal. He here quotes the biblical utterance, "Righteousness exalteth a people" (Prov. 14, 34).

The book closes appropriately with a fine appreciation of the messianic forecasts of the ancient prophets of Israel and a confident assertion that these messianic hopes are neither dreams nor phantoms. Redemption will come, the messianic ideal will be realized when in that coming time "men, tribes, nations, and states will live in consecrated and loving union, when the words 'justice and love' will be not merely lip expressions, not mere breath and smoke, but the guiding force in the hearts of men!"

The book contains, as has been abundantly indicated above, many fine thoughts; true some of these are restatements and reiterations of similar thoughts in the first volume. This was unavoidable perhaps in a work of this kind, which sets forth the application of certain fundamental principles to many branches of life's activities. Lazarus was fully equipped for the task, for he combined, as have few others, a full acquaintance with the rabbinical sources with a thorough modern scientific method. Had the author lived to give final shape to this volume, as he did to its predecessor, we would have had in his work a *magnum opus* of

Jewish thinking and research. As it is, even in its unfinished form, the book is unique; the author has systematized the unsystematic individual teachings of rabbis and sages; he has co-ordinated the scattered thoughts of many generations; he has shown the underlying unity in a great and varied multiplicity; he has demonstrated with great wealth of detail the mighty truth that the ethical spirit has been the moving force of Jewish life from the days of Moses and the prophets through all the ages. Lazarus' "Ethics of Judaism" is one of the great works of modern Jewish scholarship; even in the unfinished form in which we have it, this work demonstrates as do few others the eternal value of the Jewish ethical viewpoint and the adaptability of the fundamentals of Jewish ethical teaching to the changing conditions of successive generations. To close with the author's significant words: "The modern element lies only in the form; it is mere appearance; the kernel is the same, if one will only take the trouble to pick it out."

Cincinnati

DAVID PHILIPSON

NOTE ON "A MOSES LEGEND" BY PROFESSOR KRAUSS

In his article on "A Moses Legend" (*JQR.*, N. S., II, 339 ff.), Professor Krauss deals at very great length with a set of stories in which Moses is made to perceive the just, though outwardly incomprehensible ways of Providence. These stories have no doubt their original source in the Jewish haggadah, but Professor Krauss is right in pointing out that the form in which they appear in later Hebrew literature goes back to an Arabic medium. As far as the story discussed on p. 350 ff. is concerned, I am able to supply the missing link. The Arabic writer Kazwini (died 1283) of Kazwin in Persia narrates in the preface to his cosmography (*'ajā'ib al-makhlūqāt*, ed. Wüstenfeld, I, 4) the following story which is practically identical with the version quoted on p. 355. "One day Moses passed a well on the slope of a mountain. He made his religious ablutions in it and then ascended the mountain to pray. Suddenly a horseman approached who drank from the well and dropped near it a purse full of dirhems. A shepherd who came after him saw the purse, took it and went. Then there came a poor old man carrying a bundle of wood and, having thrown down the bundle, lay down to rest. After a short while the horseman returned, looking for his purse. Not having found it, he went up to the old man, demanding from him his purse, and finally began to beat him till he killed him." When Moses, who witnessed this scene, marveled at the injustice implied in the incident, he received the explanation that the old man had killed the father of the horseman, who at the same time owed the father of the shepherd exactly the same amount which was picked up by the shepherd.—The story is narrated by Kazwini in an incidental manner and is introduced by him in a way which suggests that it was well known. Kazwini lived two centuries before the Persian poet Jāmi (died

1492) whom Professor Krauss quotes as the earliest source of this story. But there is no doubt that Kazwini took it from a much older source. It is in all probability derived from one of the numerous collections of "prophetic stories" which are almost entirely based on the Jewish haggadah.

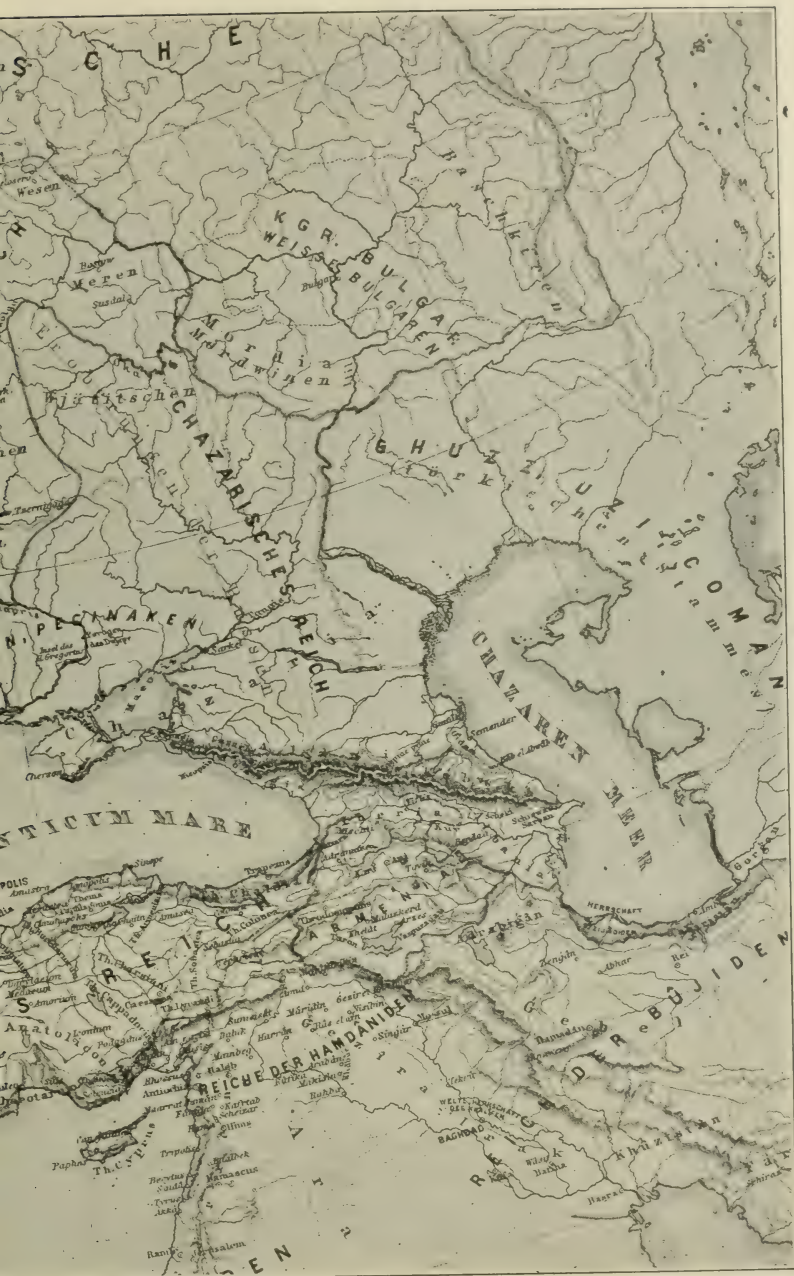
As for the well-known Koran story discussed by Professor Krauss on p. 356 f., neither the analysis nor the deductions from it can be accepted. Verses 59-63 have nothing to do with the story contained in verses 64-81. I have dealt with this Koran passage and its presumably Jewish source in the *Archiv für Religionswissenschaft*, XIII (1910), p. 98 f. and 221 ff., to which the reader is herewith referred.

Finally I should like to add to Professor Krauss' remarks that the "speaking birds" (p. 344 f.) appear frequently in the Alexander legend, not only in the Greek recension (the so-called Pseudo-Callisthenes, ed. Müller, II, c. 40, 41, and elsewhere), but also in Josippon (c. 10), and in many other Oriental versions.

Jewish Theological Seminary
of America

ISRAEL FRIEDLAENDER





AN UNKNOWN KHAZAR DOCUMENT¹

By S. SCHECHTER, Jewish Theological Seminary of
America

INTRODUCTION

ONE of the most interesting episodes in Jewish history is the story of the conversion of the Khazars to the faith of Israel, which, according to some authorities, took place some time about the middle of the eighth century, according to others, early in the first half of the seventh century. Important, however, as the event was, it left very few traces in mediæval Jewish literature. The references to it are rare, casual and short; and it is safe to say that, but for the famous Dialogue of R. Judah Halevi, known under the title of the "Book Kuzari" (ספר הכוזרי), the very name Khazar would have disappeared from the pages of Jewish annals. But the "Kuzari" is so overwhelmingly theological in its contents, that the few sentences of an historical nature hardly left any impression upon the mind of the student. In this way it came about that even the meager facts recorded there by R. Judah Halevi of the country of the Khazars, such as their independence as a nation, their search after a religion and their final conversion to Judaism were

¹ Full lists of authorities on the subject are given both in the *Jewish Encyclopedia* and in the *Encyclopedia Britannica* at the end of the article Chazars and Khazars respectively.

heeded only by a few, and even these few were not agreed as to the authenticity of the story on which the Dialogue is based, some thinking it a mere fiction, serving as a background for the *dramatis personae* engaged in the disputation.

It was only in the sixteenth century when Isaac b. Abraham Akrish, known as a collector and publisher of books, recovered in his travels between Constantinople and Egypt (?) the correspondence between Ḥasdai Ibn Shaprut, minister at the court of Abdulrahman III, caliph of Cordova, and Joseph, the king of the Khazars, that the kingdom of the Khazars was transferred from the region of fable to that of fact. This correspondence not only contained the story of the conversion of a whole kingdom to the creed of Judaism (which interested Ibn Shaprut most), but offered also a great deal of information as to the origin of the Khazars, their ethnological pedigree, the geographical position of their country, their feuds with the neighboring tribes, and their diplomatic relations with the larger powers then dominant. The scepticism of some scholars still continued for a time, but it fairly disappeared through subsequent researches in various ancient chronicles and books of travel (especially those coming from Arabic sources) revealing a large mass of material unknown or unnoticed before, and confirming more or less the account brought to light by the discovery of Akrish.² Thus, at last, the Khazars have come into their own; room has been made for their country in all historical maps,

² Menahem Man in his *שארית ישראל*, ch. 10, which deals with Khazar history, speaks of *דש שרייבן פֿון די ערביים*. The Hebrew translation has here *הכמני האומות*. Has Man really had access to Arabic sources? About the attitude of the various scholars in different ages towards this correspondence, see Harkavy, *Russische Revue*, vol. XI, p. 143, seq. In the following notes we shall quote this periodical as *R. R.*

whilst accounts are given of their origin, their conversion, and ultimate disappearance from the stage of history in almost every encyclopedia or mediæval history having any claim to completeness.

The discovery of Akrish, forming the only Hebrew source of the history of the Khazars, was made accessible to the world by him in his work (קול מבשר), published at Constantinople in 1577. It was then reprinted separately, but more frequently together with the "Kuzari," representing a sort of prologue to the theological dialogue following it. A new edition of a part of this correspondence, the answer of the king of the Khazars to Shaprut, offering sometimes better readings and in some cases new matter, particularly in its geographical parts, was published by Dr. Harkavy in the periodical, מאסף נדחים ("Measeph Nida-ḥim"), No. 8, from a St. Petersburg MS., brought by Firkovitsch from Egypt, while he gave also a full German translation of it, with critical notes, in the sixth volume of the *Russische Revue*, pp. 69-97. The Orient and especially Egypt having thus far proved the most important source of material bearing on the Khazars, it would have been strange if the Genizah, which yielded such a rich harvest in all departments of Jewish literature and Jewish history, should not have given us one fragment, at least, relating to this great conversion episode. My expectations in this regard were fulfilled, the Genizah furnishing us with a fragment bearing on the Khazar story, affording quite new matter. It was discovered several years ago, but was only properly examined within the last few months. We shall now present it to the readers of this REVIEW.

The fragment measures 20 x 15 cm. ($7\frac{3}{4}$ x $5\frac{7}{8}$ in.) and consists of one quire numbering two leaves or four pages. The original folding when discovered was in such a way as to give the pagination 209, 211, 205 and 207, and it was only by re-folding it in the manner reproduced here that continuity was made possible. It is written in a beautiful hand, in square characters, but not without a certain turn toward cursive. There is further the combination of Aleph and Lamed in **ל**, chiefly in **ישראל**.³ It was probably written somewhere in the Orient about the twelfth century if not earlier. The combination of the particle, **של**, with the following noun in **שלקוריא** into one word (l. 41) also points to an early date. Quite peculiar to the MS. is the way of writing **קור** or **קוריא** with a **ק** instead of **כ** used without an exception in Hebrew literature wherever mention of the Khazars is made.⁴ It should, however, be noted that the writer or the copyist had very little consistency even in his reproduction of names. Thus, he speaks indifferently of **קור** and **קוריא** (ll. 7, 11, 18, 54, etc.).⁵ In mentioning Byzantium, he alternates it with **מקדון** (l. 16) and **יון** (l. 37), whilst for Turkey he has both **טורקיא** (l. 57) and **טורקי** (l. 92). The style, though not entirely biblical, is in a clear and fair Hebrew, with occasional rabbinical phrases (see ll. 13, 19, 29, 36, 43, 79). Of pat̄anic diction, either in the vocabulary or in the allusive epithets, it is entirely free,

³ This combination is by no means a sign of a late date. We have in the Genizah a MS. written in Jerusalem and dated 1036, in which this combination constantly occurs.

⁴ The spelling **כזריא** and **כזריא** occurs in the *Itinerary of Benjamin*, ed. Adler, pp. 14 and 68 (see notes), whilst *The Travels of Petahiah* (ed. Grünhut) writes **כזריא**, p. 3.

⁵ See Grätz, *Geschichte der Juden*, 4th ed., vol. V, p. 197, note 1. Cf. also Hebrew translation of Grätz, vol. V, p. 199, note **כזו**.

except in one case when it refers to the covenant of Abraham as the *ברית אב המון* (l. 38).⁶

We shall now attempt to give some analysis of the contents of our text, showing at the same time its relation to, as well as its deviation from, the Khazar correspondence known before. Our references to citations from king Joseph's letter will be given from the Harkavy edition in the "Measeph Nidaḥim" mentioned before, which has also the advantage of having its lines numbered. For the sake of brevity, we shall designate it as A. In the case of the letter of Ibn Shaprut, we shall cite the Wilna edition of the "Kuzari" (*ספר הכוזרי*) of 1904, which is the most accessible.

To be noted at first is the fact that our text, not less than A, professes to present a correspondence. This is evident enough from the phrase *הנני מודיע לאדוני* (Behold, "I make it known to my lord"—l. 83 and 84),⁷ and from the reference to the sea "through which thy messengers came to Constantinople" (l. 87). Who the person was to whom the letter was addressed, it is impossible to say with certainty in the defective state of the MS. The probability is very strong in favor of Ibn Shaprut, as no other record of a Jew is left who showed such an interest in the Khazars as to send there a special expedition. The possibility of another Jewish grandee, likewise a contemporary of King Joseph, betraying the same curiosity as the Vizier of the Caliph of Cordova, and possessed of the means enabling him to fit out expeditions; which expedition also makes its way first to Constantinople—such a possibility is so remote

⁶ See Gen. 17, 4. Mr. Halper drew my attention to the *Diwan des Abraham Ibn Esra*, p. 6, where we have a hymn beginning with *אב המון*.

⁷ A has *מודיע אני לך* (ll. 30, 115) and never *אדוני*, professing to be written by the king.

that it cannot be taken seriously into consideration. But in contradistinction to A, our letter makes no claim to have been written by royalty. The writer is a mere subject of king Joseph, whom he describes as "my lord" (l. 62). I need hardly remind the reader that also in the case of A, it was suggested by some authorities that the letter was written by one of the King's secretaries.⁸ But the difference between the two documents goes much deeper.

The central event of the correspondence is naturally the story of the conversion. Now, there is a certain agreement between the two documents. The champions are the same, Jews, Christians and Mohammedans, and so is in both documents the consent of the three sects as regards the truth of the Hebrew Scriptures, which proves decisive in favor of the Jewish creed (see ll. 16-31 and A, ll. 65-100). The first lines, again, of our text, speaking of the ancestors who would not or could not bear the yoke of the worshipers of idols, wherefore they fled to Khazaria (ll. 1 and 2) imply a partial or preliminary conversion on the part of the Khazars⁹ preceding the one described in the sequel and corresponding more or less with that of Bulan in A. The expression לשוב, "to return," (l. 18; see also l. 36), suggests also that we have to deal here more with a revival of Judaism, or repentance, than with an initial conversion. We may thus assume that in the missing pages there was a reference to some sort of a conversion of the Khazars, equal

⁸ See Grätz, *ibid.*, p. 348. Cf. Harkavy, *R. R.*, VI, p. 75 (n. 2) and p. 92.

⁹ See notes 1, 2 and 3 to the Hebrew text. I must remark, however, that I am not quite certain whether וישארו in l. 3 refers exactly to the Jewish immigrants, as גם הם was only supplied by me. For all we know, he may perhaps have had ימים רבים, or some similar expression.

to that narrated by A. On the other hand, it is clear that the author of our text attributes the final and real conversion of the Khazars and the Judaization of Khazaria, or a part of it, not to any supernatural agency, but to the proselytizing activity of a band of Jews or יהודים (see l. 9) or ישראל (ll. 35 and 36) among the natives, or the "men of Khazaria." According to him, the course of events may be described somewhat as follows: At some time, the people of Khazaria, or a certain number among them, embraced Judaism, but a relapse came, so that they remained without Torah (l. 3), which practically means in this case without any religion, though they did not entirely return to their ancient paganism. This fact of their having left paganism was enough to induce a number of Jews living before in heathen countries to immigrate to Khazaria. The material condition of these new immigrants was apparently a satisfactory one, but spiritual decay set in, and in the course of time they became neglectful in their religious duties, so that they too "were without Torah and Scripture" (ll. 3-4) though they still observed the Covenant of Abraham and a few also kept the Sabbath (ll. 6-7).¹⁰ But they were threatened with complete assimilation owing to their intermarrying with the inhabitants of the land with whom they constantly associated (l. 4). This condition of affairs lasted "many days" which means a long time (see l. 12). At last God had mercy upon them and the revival came (l. 13), brought about by Serah, a Jewish woman, the wife of a Jewish general who, together with her father, turned his heart and "taught him the ways of life" (ll. 13-16). But this was not a conversion, as it is distinctly stated that he was a Jew יהודי (l. 10), and what Serah

¹⁰ See notes 4 and 7 to the Hebrew text.

and her father had to overcome was not the prejudices of a gentile, but the indifference of an indolent, easy-going Jew. But as he was one of the most successful generals of the Khazars in his time, having on one occasion put the enemy to flight (ll. 9, 10 and 11), his renewed zeal for the creed of his ancestors apparently not only affected his Jewish brethren, but also gave fresh religious impetus to the native population. It was then, as it would seem, that the work of proselytizing among the people began, which provoked the jealousy of the kings of Macedon (or Greece = Christians; l. 16) and the kings of Arabia (= Mohammedans; l. 17). The main danger lay evidently in that, by their "blasphemies" (l. 18), they also influenced the princes of Khazaria, whose hearts they turned to evil (ll. 18, 20, 21). These princes probably consisted of the proselytes who were still wavering in their minds. Thereupon, they had recourse to the disputation, which resulted in favor of the Jews and caused both the Jews as well as the new proselytes, or the men of Khazaria to return in "perfect repentance" (l. 36). To these were added fresh immigrations from Bagdad, Khorasan (כורסן), and from Greece, who strengthened the hands of the natives (ll. 37-38).¹¹ The primary cause of the conversion was thus the zeal of a pious Jewess for the faith of Israel, whilst the immediate cause was the victory of the

¹¹ A has no distinct reference to these facts (see ll. 100 and 105). The best parallel is Masudi (translation Sprenger), I, p. 404, where he speaks of "the Jews from all the Muslim districts and from the Byzantine Empire," who came to Khazaria. See also Paris edition, II, p. 8. Cf. Grätz, *Geschichte*, *ibid.*, p. 198, text and note, as well as Harkavy, *R. R.*, X, 314. According to our text this immigration under Sabriel, the first real Jewish king of Khazaria, took place long (perhaps centuries) before the persecution of the Jews by Romanus (see note 22). The text in Masudi seems to allow of differing explanations. See Chwolson *Achtzehn Hebräische Grabschriften*, etc., p. 101; cf. also Marquart, *Osteuropäische und Ostasiatische Streifzüge*, p. 6.

Jewish general, which gave him all the authority required for the creation of a new order of things, raising Judaism to the dignity of the established religion of the court and of the bulk of the Khazar population, and resulting in the election of a new king.

On the other hand, it should be remembered that, according to the historians, Khazaria was governed by two rulers: the one bearing the title of grand Khagan, who occupied a position somewhat similar to that held by the Mikado a generation ago—looked upon as a sort of divinity by the population, leading a strictly secluded life, and never coming into direct contact with his subjects; the other possessing the title of Peg or Peh, who represented a kind of vice-Khagan or vice-king, but possessing all authority by reason of his being the real governor of the country.¹² It is thus not impossible that the constitutional changes just indicated only affected the office of the vice-king. In this case, we shall, of course, have to take the expression מלך (ll. 7, 42) in a rather loose sense, referring to the vice-Khagan or Peg.¹³ If we could now assume that Sabriel is in some way an equivalent to Obadiah, we might then recognize in our text the supplement to the story of this king whom A also considers as the real founder of

¹² See Cassel, *Magyarische Alterthümer*, p. 206, note 2 and Grätz, *Geschichte*, *ibid.*, p. 198.

¹³ L. 7 of our text states ולא היה מלך בארץ קוריא "and there was no king in the land of Khazaria." As to Sabriel, before his election he is called שר צבא or general (ll. 11, 12) and again as it seems השר הגדול היהודי (l. 21) which is identical with שר הגדול שלקוריא (l. 41). The old versions, Wilna ed. 4a, have also השר הגדול (who is the same as שר צבאו of the *Kuzari*, II, 1). Cf. Cassel as above. A l. 51 has של פלוני omitting הגדול which is probably a mere clerical error.

Judaism in Khazaria, but on whose political activity he dwells no further.¹⁴

But even this interpretation would not remove the discrepancies between our text and A. For, apart from other considerations, according to this latter, the disputation falls under Bulan, who reigned long before Obadiah. Further, according to A, this pious king is a great-grandson of Bulan (l. 106), whilst, according to our text, he must have been a descendant of a Jewish immigrant. That he only assumed his Jewish name when he ascended the throne would merely prove that in the assimilation times they adopted Khazar names. When the author of our text further volunteers the information (of which A knows nothing) that they maintain that their ancestors were of the tribe of Simeon, but that they cannot probe the truth of the matter (ll. 43-44), it is only consistent with the whole trend of his narrative which is chiefly concerned with the nucleus of the old Jewish population of that country, who, according to him, were the mainspring in this whole Judaizing movement.¹⁵ Very peculiar is his explanation of the title of Khagan (כִּנֵּן), losing with him its historical significance, as it is not confined to

¹⁴ The name סְבִירָאֵל is not known to me from Jewish literature. If we could assume that it is a corruption of עֲבִירָאֵל (Jer. 30, 26) or עֲבִירָאֵל (I Chron. 5, 15) we might recognize in him עֲבִירָאֵל (the meaning of both being the servant of God) generally held to be the king who introduced the Jewish creed in Khazaria. Bulan belongs more or less to the domain of legend. A has the words וְהוּא חָרַשׁ אֶת הַמְּלוּכָה (l. 106) but he does not explain how this regeneration was brought about nor the impulse actuating Obadiah in his zeal for the proselytizing work.

¹⁵ See about this point Abraham Epstein, *Eldad ha-Dani*, pp. XXVIII, 7 and 25. All the parallels have the tribe Simeon and the half of Manasseh. It is remarkable that Carmoly in his עֲקֵטָאֵן דְּמֵר יַעֲקֹב (justly considered by all scholars to be a forgery) speaks only of שֶׁבַט שְׁמִעֹן (pp. 10 and 12).

royalty but marks a mere judge chosen from among the wise men.¹⁶ I hardly need indicate how all this, as well as other points in our account, is at variance with all that is known about the history of the Khazars from other sources. Another peculiar feature worth noting in the presentation of the conversion story of our text, is that of the cave in the valley of תיזול, from which they brought the Holy Book to be explained by the sages of Israel (ll. 32-35). This story is entirely missing in A, but we have some reminiscence of it in the Letter of Ibn Shaprut as well as in the "Kuzari," which shows that it formed an essential feature in the conversion story.¹⁷

Next in importance to the story of the conversion in our text are the political complications following upon it. A, which gives whole lists of nations and tribes subject to the Khazars (A, ll. 118-130), never enters upon details of war. He is satisfied with such a general statement as "from the day that our ancestors came under the wings of the Shekinah, He subjected to us all our enemies and humiliated all the nations and tongues around us" (A, ll. 103-105). In another place he has a special reference to the Russians, against whom the Khazars guard the mouth of the river and with whom they had hard battles, or they would exterminate the whole of the Mohammedan country as far as Bagdad (A, ll. 131, 135). Our text is more complete in this respect. Thus in A, mention is made of the Alani (אלניים), with a

¹⁶ I have not found this explanation of the term כנן in any other work, Slucki, in his edition of the *Kuzari*, p. 47, says וואווי קרוב לשם חכם. I have some doubt as to the word השופטים (l. 40) whether it is not indifferently used, and may thus perhaps stand for regents or some other high dignitaries.

¹⁷ See Ibn Shaprut's letter, p. 3b and *Kuzari*, II, 1. The valley of תיזול I could not identify.

single word, the name occurring in the list of the subjected nations (l. 124), whilst our text devotes to this nation several lines (ll. 44-60).¹⁸ The defective state of the MS. makes it impossible to form a clear notion of the story our author intended to give us, but a few facts may be gleaned nevertheless. The most important is that the conversion

¹⁸ Our text reads always אֱלִין. The *Itinerary of Benjamin*, ed. Asher, speaks of the land of אֱלִינָה and of the nation called אֱלִינִי (p. 62), but ed. Adler (p. 41) has אֱלִין. See also Marquart, p. 485. Cf. *Jossippon*, ch. 1, about the ten families into which Togarmah branched off, of which Khazar is the first. The third in this list is אֱלִיקִינוֹם, which gave great difficulties to the commentators. I understand that Dr. Harkavy suggests in his Russian book on the Khazars the reading אֱלִיאִינוֹם. This emendation is greatly supported by Dr. Gaster's *Chronicles of Jerahmeel*, p. 67, where the third in this list is אֱלִין (Alan). See also Dr. Gaster's remarks to the passage in his Introduction, p. lxxvii. The following extracts from Constantinus Porphyrogenetes's *De Administrando Imperio*, chs. X and XI, for which I am entirely indebted to my friend Dr. Max Radin, will help to illustrate the relations between the Khazars and the Alani: "About Khazaria: How war is to be made upon them and by whom. The Uzi are in a position to make war upon the Khazari, inasmuch as they border on them. Likewise, the chief of Alania, because the nine frontier provinces of Khazaria are adjacent to Alania, and the Alani can, if they wish, plunder them and can cause great harm and want to the Khazari by so doing, for from these nine frontier provinces the Khazars derive all the necessities of life and all their wealth. Chapter XI. About the Fort Cherson and the Fort Bosphorus: Since the chief of Alania is not at peace with the Khazars, but regards the friendship of the Roman Emperor as preferable, if the Khazari are not willing to maintain peace and friendship towards the Emperor, he (the Alan chief) can injure them greatly, by lying in wait on the roads and attacking them unexpectedly when they proceed against Sarkel and the frontier provinces and Cherson. For, if the afore-mentioned chief (of the Alani) takes care to bar their passage, Cherson and the frontier provinces will enjoy profound peace. For since the Khazari fear an inroad of the Alani and have no opportunity of attacking Cherson and the frontier provinces with an army, because they cannot make war with both, they will be forced to be at peace." Migne, *Patr.* 113, p. 177-178. Cf. Harkavy in Geiger's *Jüdische Zeitschrift*, III (1864-5), pp. 291-292.

(perhaps even more the election of a new "King") was not taken in a meek spirit by the defeated parties, so that there was the fear of a combination of the nations around them. This made it necessary on the part of the Khazars to terminate the feud and conclude peace with their neighbor, the king of the Alani, lest he join their enemies when they rise up to war against them (ll. 44-47). How long this peace lasted, we have no means of determining, as we do not know how many kings intervened between Sabriel and Benjamin. Nor is it quite certain how far, considering the abrupt manner of our author, we have a right to refer the והשלים (l. 44) "and he (the king) made peace" to Sabriel; but this is clear, that in the time of king Benjamin, the peace was broken (see ll. 49-55), an alliance having been formed against the Khazars, consisting of the king of Asia, the king of Turkey, the פייניל, and the king of Macedon (Constantinople—ll. 50-52).¹⁹ Only the king of the Alani, who, it would seem, had himself Jewish subjects (l. 53),²⁰ remained loyal and, whilst the allies fought against the Khazars, he attacked them successfully in their own country and the result was that they were utterly defeated by king Benjamin (ll. 52-55).

The amity between the king of the Alani and the king of the Khazars does not seem to have been of long du-

¹⁹ See note 26 to the Hebrew text. By אסיה (ll. 51, 92) are perhaps meant certain Caucasian tribes. See Kohut, *Aruch Completum*, I, p. 179 (אסיה 3). The name פייניל I am unable to identify. Perhaps it is a corruption of פליאן (= Polianes) who paid tribute to the Khazars. See *Chronique dite de Nestor*, traduite, par Louis Leger, Paris 1884, p. 12.

²⁰ כי מקצתם שומרים תורת היהודים (l. 53), which I take to refer to the Alani, though the missing words just before this line, make it impossible to speak with certainty. See also Grätz, *Geschichte*, *ibid.*, p. 200, where it is maintained on the authority of some Arabic sources that some of the vassals of the Khazars accepted the religion of their Jewish masters.

ration. For our author proceeds to record that in the time of King Aaron (the successor of Benjamin), the king of Greece (Constantinople) succeeded in persuading the king of the Alani to fight the Khazars (ll. 55-56). Aaron then made a counter-move in hiring the king of Turkey (to attack the king of the Alani) (l. 57). Here we have several gaps in the MS., but so much we can see, that Aaron came out victorious, and that the victory was followed by a marital alliance: Joseph, the son of Aaron, marries the daughter of the king of the Alani and this latter takes the oath of fealty to Aaron, and the happy result of all this was that from that day the fear of the Khazars "fell upon the nations which surrounded them" (ll. 56-61).²¹

Of more importance are the complications of the Khazars in wars with Russia, which, as is well-known, had in the end the most disastrous results for the former. Of this, however, our writer gives no indication as he finishes his report with the words: "Then the Russians became subdued under the hand of the Khazar" (l. 83). A, as already mentioned, has only a general reference to these wars. The author of our text gives the following presentation of the matter.

According to him, the first clash of the Khazars with the Russians fell in the time of king Joseph. The cause of it was, as it seems, a persecution of the Jews in the days of the "wicked Romanus" (of Constantinople), leading to retaliation on the part of Joseph (ll. 61-63)²²

²¹ The Aaron mentioned in our text is probably Aaron the second, the son of Benjamin (l. 55) and the father of Joseph (l. 59). Note that all these wars accordingly belong to the times of the last three Jewish Kings of Khazaria of which A records not less than thirteen (A 110-112.) Cf. Harkavy, note 245, in the Hebrew translation of Grätz's *Geschichte*, *ibid.*, p. 121.

²² See notes 37 and 38 to the Hebrew text. About Romanus' persecution of the Jews, see the authorities referred to above, note 11. Grätz's

who "trod down many of the uncircumcised."²³ Romanus then persuaded הלנו, the king of Russia, to whom he sent great gifts, to inflict evil upon the Khazars (ll. 64-65). הלנו then surprised the country of the סמכרי in the night, during the absence of the commander, and captured it. When the matter became known to בולשצי (whose Hebrew name was פסה Pesah), he attacked in retaliation the cities of Romanus of which he captured three, apart from many hamlets. From there, he marched against שורשו.²⁴ (ll. 64-69). Here come several lines, the first half of each of which is torn off, but we can read so much, that Pesah was victorious in his march, and turned in the end against הלנו, whom he also defeated (ll. 73-75). He then threatened to continue the war against הלנו unless the latter would consent to attack Romanus, the instigator of the hostilities (ll. 72-79). הלנו then reluctantly marches against Constantinople, where he wages war on the sea for four months, but he is defeated by the Greek fire of the Macedonians and loses all his mighty men. Being ashamed to return to his land, he fled by way of the sea to Persia, where he and his host perished (ll. 79-82).

Hebrew records know nothing about all these facts, and it is to non-Jewish sources that we have to turn for matter corroborative of our story, but these sources again

objection to the date, so that he thinks Masudi confused Romanus with Leo is not convincing. As remarked above, we have probably to deal here with different immigrations, whilst the fact that no other source speaks of a persecution under Romanus (who reigned from 919 to 945) does not prove much. The assertion of Sprenger that Masudi refers to Romanus II, is not clear to me.

²³ סילה רבים ערלים. See Lamén. 1, 15. I hardly need draw attention again to the state of the MS., which makes my statements in the text lack in certainty.

²⁴ See note 41 to the Hebrew text.

offer so many statements at variance with our text, as to make the two accounts entirely irreconcilable. Thus, there can hardly be any doubt that הלגו is identical with Oleg, the famous chieftain with whom the Russian nation makes almost its first appearance on the stage of history.²⁵ Likewise, we may identify the סמבריי with the Seviri or Sewerians of whom we know from Russian sources that they were vassals of the Khazars and were subsequently attacked by Oleg who forbade them to pay tribute to the Khazars.²⁶ But here we meet with the difficulty that, according to the Russian authorities, this event took place in 884 and that it was Oleg who bore the victory over the Khazars.²⁷ Our text apparently places the event during the reign of king Joseph, who flourished about 940, while the death of Oleg occurred, according to all authorities, in the year 912.²⁸ The same chronological difficulty presents itself in the part which Romanus plays in our story. For the fact that there was a persecution of the Jews of Greece during his reign one may perhaps refer to Masudi.²⁹ That, further, the Russians invaded Constantinople under Romanus and were beaten off by the means of the Greek fire is sufficiently corroborated by the testimony of Byzantine writers.³⁰ But

²⁵ The works mainly used by me in connection with this part of our text, are: Gibbon, *Decline and Fall of the Roman Empire* (ed. Bury), Theodor Schiemann, *Russland Polen und Livland*, Berlin 1886, and the *Nestor Chronicle*, mentioned above, note 19.

²⁶ See Nestor, pp. 18 and 22, and Schiemann, I, pp. 48 and 49. How far these Sewerians can be identified with the סוויאר or סוואר of A (ll. 33 and 118) I am not able to say. See Harkavy *R. R.*, VI, p. 93.

²⁷ See Schiemann and Nestor, *ibid.*, cf. also the Index to Nestor by the editor Leger, under the names *Kozares*, *Oleg*, and *Sévériens*.

²⁸ See Nestor, p. 33, and Schiemann, p. 51.

²⁹ See above, note 21.

³⁰ See Gibbon, VI, pp. 155 and 156, and Schiemann, p. 53.

according to these Greek sources, it was Igor, the successor of Oleg, who led the Russian expedition against Constantinople and suffered defeat at the hands of Romanus at some time in the year 941.³¹ Of Oleg's expedition the Byzantine writers have nothing to record, while, according to the Russian sources, the expedition by Oleg occurred in the year 907, long before Romanus ascended the throne, and it was the Russians who defeated the Greeks and forced on them a treaty of peace to their advantage.³² Such contradictory statements cannot well be reconciled and we must accordingly accept the view that the writer of our text had his information only from secondary sources and confused both persons and dates.³³ On the other hand, our text shows at least one criterion which speaks for a very early date. It is that we have here the only document which comes nearest to the Scandinavian form of the name of this Russian hero, הלגו (Scandinavian Helgi), instead of אולג or אוליג (Oleg), thus testifying to the theory of the Norse origin of the founders of the Russian Empire. This affinity of names was long ago suggested by all modern authorities on this subject, but it is our text which really gives the form resembling most the one surmised by these authorities, a fact indicating that our author derived his information from very ancient or even contemporary sources, when the heroes of the

³¹ See Gibbon and Schieman, *ibid.*

³² See Nestor, p. 22, *seq.*; Gibbon, p. 155, text and notes, and Schieman, p. 49, *seq.*

³³ One might perhaps suspect that we have here a confusion between Oleg and Olga (or Helgi and Helga), who played an important part in the reign of her husband Igor, but it does not seem probable.

earliest period in Russian history were still called by their Scandinavian names.³⁴ His reference again to the escape of a portion of the Russian army to Persia after its defeat by Romanus, which is mentioned by very few authorities, but is nevertheless testified to by some writers, would also speak for the acquaintance of our author with the history of those times. On the other hand, it would seem that the whole story of Oleg, as given by Russian historians, entirely based on the chronicle of Nestor, is not beyond all doubt, and that both its facts and its dates may be questioned. However, I do not wish to press this point. I must leave the decision of this, as well as any other question connected with Russian history, to Russian scholars and specialists in Russian history and geography, my knowledge of these subjects being derived only from second or even third-hand sources.

The last lines of our MS. are geographical, and entirely differ from A. In giving the name of his country, the writer has recourse to books (ll. 84-85), which named it **ארקנוס** Arkanos. In this we may recognize the ancient name of the Caspian Sea, designated as Mare Hyrcanum³⁵ and afterwards called the Sea of the Khazars. But his appeal to books makes it doubtful whether it was still the name of his country in his time. He further tells us that the name of the metropolis is **קור** divided by the river Atel

³⁴ See about this point Bury in his Appendix to Gibbon, VI, p. 553, seq., Schiemann, p. 48, and Leger in the Index to Nestor, p. 344.

³⁵ See Kiepert, *Atlas Antiquus*, map I; Harkavy, *R. R.*, XI, p. 162, and Marquart, p. 9, note 1. But the land of the Khazars is never called **ארקנוס** in Hebrew literature.

which passes through it. This is also confirmed by other writers.³⁶ But his description of the river as being "south of the sea which comes from . . . הַיָּם through which thy messengers came to Constantinople" (ll. 86-87) is unintelligible to me.³⁷ Atel, as we know, is identical with the Volga and is thus in the north of any sea in the direction of Constantinople. His additional explanation "And I believe that it starts from the Great Sea" (l. 87-88), does not improve matters. By the Great Sea is usually meant the Mediterranean, but this is the very sea which Shaprut's messengers must have traversed on their voyage from

³⁶ See A, ll. 116 and 136; Cassel, *Magyarische Alterthümer* v. 217, text and notes (giving references to Arabic writers); Carmoly, *Itinéraires*, pp. 15 and 23, and Harkavy, *R. R.*, XI, p. 380, as to the situation of the capital of the Khazars. As to its name, cf. Harkavy, *R. R.*, X, p. 324, the quotation he gives there from a Persian author according to which the name of the city was Chasar. See also Marquart, p. 3. A close parallel to it we have in the *שארית ישראל* of Man. There he says:

מִן זֶמַן דֵּשׁ עַר (כּוֹזֵר דֵּר זֶזֶן פֿון תּוֹגְרַמָּא) קָאָם
 בִּי רֵעֵן בֶּאֶךְ וואַלגָּא : דא האט ער איין שטאט געבואט
 די הט ער נאך זיין נאמען געהייסן אלכוזר :
 דש פאלק דש נאהנט דא ביי וואונטן אויף די צפון זייט
 פון די קאשפישע זע .

The Hebrew translation is incorrect.

³⁷ See note 47 of Hebrew text. Possibly there is some confusion here between the Volga and the Don which were supposed by some to mingle somewhere a little higher in the north and which latter emptied into the Maeotis (Azoff). But even this would hardly justify the expression *מימין*. See also "Die Chazaren," by Kutschera (Wien, 1910) p. 121, and his hypothesis regarding the position of the river by which the Khazar capital was situated.

Spain to Constantinople.³⁸ The description again of the distance between that sea and the country of the writer, as 2160 רים (*ris*), is also not clear to me, as this would only amount to 72 *parasangs*. And so are his other distances between his country and Constantinople which are given as 9 days on sea and 28 days on land, whilst the extent of the dominion of the Khazars he gives as 50 days. All these geographical points are obscure to me and I do not consider myself competent to deal with them in any adequate way.³⁹ The last line, which abruptly ends in the middle of a sentence, gives a list of the nations fighting with them, two of which I am unable to identify.⁴⁰

We shall now try to give a summary of the results of the preceding remarks. It must be evident from what we have said thus far that A and our text represent two documents addressed probably to the same person, but composed by different writers. A gives us a document professing to be written by the king who was a direct

³⁸ See however Ibn Shaprut's letter where he describes the situation of Cordova as being ממשאל לים המהלך אל ארציכם היוצא מן הים הגדול וסובב כל הארץ. He speaks further of the ים הגדול אשר אין אחריו ישוב (*2b*). The term ים הגדול is thus the ocean. The words of our text מן הים הגדול מושך would then correspond with היוצא מן הים הגדול of Ibn Shaprut.

³⁹ Ibn Shaprut in his Letter says that between the kingdom of the Khazars and Constantinople is 15 days on sea, but does not give the distance on land. Whether the words ממשלת אדוני (*l. 91*) also includes the vassals and the tributaries, I have no means of determining. It is also difficult to say whether the writer understood by רים exactly the same measure which the Talmud meant by it.

⁴⁰ These are לוחני and זיבוס. Perhaps the latter might be identified with the Lusinin (לוצנין) of the "*Chronicles of Jerahmeel*," p. 68. See also Gaster's remarks in the Introduction, p. LXXXVII.

descendant of the Khazar dynasty and derived his pedigree from Japheth, whilst our text, as is clear enough, raises no such claims; it is written by a mere subject. The writer again is, if we are not quite mistaken in our interpretation, more concerned about the Jewish than about the native population of that country, the former of which gave the Khazars their first Jewish king.⁴¹ They differ also largely in style. They differ further in the subject matter, A omitting features characteristic of our text (such as the story of the wars with the Alani and the Russians), whilst in some points they are distinctly at variance. On the whole, it may perhaps be said that in A the theological tendency is more predominant, whilst in our text it is the narrative element which is prominent.⁴² Thus our text can never have formed a part of A, or represented a different version of the same document, as was the case with Harkavy's edition of the Khazar letter, which formed only a completer and more correct text of Akrish's discovery. It is not likely that the king of the Khazars caused his secretaries to write two letters or that somebody would have had the courage to write a different letter after the king had sent the one writ-

⁴¹ I am not unaware that the terms יהודים or יהודי occurring in our text could be strained to apply to the original proselytes or semi-proselytes of the Khazari population. But I do not see the necessity to force this meaning upon a term otherwise plain enough whilst the whole drift of our text points to a tendency of emphasizing the importance of a Jewish nucleus working as a leaven among the Khazars.

⁴² The best way to realize this difference is to compare the story of the disputation of A (ll. 64-96) and our text (ll. 16-35). Our text is not only shorter, the writer hurrying over the theological arguments as of no consequence to him, but has also a different vocabulary.

ten or dictated by him. The question now confronting us is, Which of the two is authentic? This question, I think, cannot be answered with any amount of certainty as long as our text is not completed by other new finds, which will give us not only the beginning of the document, but may reveal to us more matter and a fuller text relating both to the geography and to the history of the time. In its present shape, one cannot suppress the feeling that we have before us events which extended over many generations, crowded into too narrow a compass, and it is not impossible that the list of nations fighting against the Khazars, in the middle of which our fragment breaks up, was only an introduction to more historical and chronological matter, connecting in some way the preceding statements, or at least supplementing them. In any case, our text, I am sure, forms an important contribution to the history of the Khazars, and as such I am certain it will be welcome to students especially to those whose Russian and Arabic knowledge will enable them to continue their researches of which a humble beginning is made in the preceding pages. The facsimile, map⁴³ and English translation⁴⁴ accompanying the Hebrew text will, I hope, prove helpful to the student.

In conclusion, I take the opportunity of recording my sincerest thanks to my friend, Dr. Max Radin, whom I had occasion to consult many a time whilst writing this article, particularly in matters relating to Byzantine

⁴³ This map is taken from the Spruner Menke *Hand-Atlas für die Geschichte des Mittelalters*, 3d ed., Gotha 1880. Europa, No. IV.

⁴⁴ For an English translation of the correspondence between Im Shaprut and King Joseph as published by Akrish, see *Miscellany of Hebrew Literature*, I, 73, *seq.*

history. I am also under great indebtedness to Mr. Ben Zion Halper of Dropsie College, for his aid in reading the MS. and for various valuable suggestions. I am also under obligation to several gentlemen for their readiness in helping me to procure the necessary books. My special thanks are due to Mr. Frederic W. Erb of the Columbia University Library, who spared no trouble in providing me with books, periodicals and maps connected with this subject, otherwise inaccessible to me.

HEBREW TEXT

- 1 ארמיניא ויברחו מפניהם אבותי¹
- 2 לשאת עול עובדי אלילים ויקבלום א כי שי²
- 3 קוריא היו תחילה בלא תורה וישאר בלא³
- 4 תורה ומכתב ויתחתנו ליושבי הארץ וי הם⁴
- 5 וילמדו מעשיהם ויצאו עמם תמיד ב⁵
- 6 ויהיו לעם אחר⁶ רק בברית מילה נסמכו ומק⁷
- 7 שומרים את השבת ולא היה מלך בארץ קוריא כי א⁸
- 8 אשר היה עושה במלחמה נצחונות שמוהו עליהם לשר
- 9 צבא עד פעם שיצאו עמהם היהודים במלחמה כפעם
- 10 בפעם ואותו היום גבר יהודי אחד בחרבו והברית את
- 11 הצרים הבאים על קור ושמוהו עליהם אנשי קור לשר
- 12 צבא במשפטם⁹ הראשון ויהיו בדברים האלה ימים רבים
- 13 עד אשר חנן יי ויעורר את לב השר לשוב בתשובה
- 14 כי הטתו אשתו סרח שמה ותלמדהו להועיל¹⁰ וגם הוא
- 15 ניאת כי מהול היה וגם אבי הנערה איש צדיק ברור
- 16 ההוא הורהו דרך החיים . ויהי כשמוע מלכי מקדון
- 17 ומלכי ערב את הדברים האלה חרה להם מאד וישלחו
- 18 מלאכים אל שרי קוריא דברי גידופים על ישראל לאמר
- 19 מה לכם לשוב באמונת היהודים שהם משועבדים תחת
- 20 ידי כל אומות וידברו דברים שאין לנו לספר ויטו את
- 21 לב השרים לרע ויאמר השר הנדול היהודי מה לנו
- 22 להרבות דברים יבואו מחכמי ישראל ומחכמי יון
- 23 ומחכמי ערב ויגידו לפנינו ולפניכם כל אחד מהם

¹ Perhaps we should supply נלאו or לא יכלו כי נלאו.

² Perhaps it read here שי[אנ] כי [אנ]שי. The שי at the end of the line is doubtful.

³ Supply here בלא [גם הם] וישאר.

⁴ Supply הם[עמ] וי[תערבו עמ]. Cf. Ps. 106, 35. The ה before the final ם is very doubtful.

⁵ Line 9, below, would suggest ב[מלחמה].

⁶ Read אחר. ⁷ Read ומק[צתם]. ⁸ Supply [ם].

⁹ Read כמשפטם. ¹⁰ See Isai. 48, 17.

[illegible]

24	שה . . א אחריתו ויעשו כן וישלח
25	ל מלכי ערב והתנדרבו חכמי ישראל
26	בוא קוריא ופתחו היוונים להעיד
27	ה התחילו היהודים והערכים להכזיבו ¹⁵ ואחר
28	בי והכזיבום היהודים והיוונים ואחר פתחו
29	אל ¹⁷ משישת ימי בראשית עד יום עלות ישראל
30	ממצרים ועד בואם אל ארץ נושבת ¹⁸ העידו היוונים
31	והערכים אמת והצדיקים וגם נפלה ביניהם מחלוקת
32	ואמרו שרי קוריא הנה מערה בבקעת תיזול הוציאו לנו
33	את הספרים אשר שם ופרשום לפנינו ויעשו כן ויבאו
34	בתוך המערה והנה שם ספרים מתורת משה ויפרשום
35	חכמי ישראל כדברים הראשונים אשר דברו וישבו
36	ישראל עם אנשי קוריא בתשובה שלימה ויחלו היהודים
37	לבוא מן בגדד ומן כורסן ומארץ יון והחזיקו בידי אנשי
38	הארץ ויתחזקו בברית אב המון ¹⁹ וישימו עליהם אנשי
39	הארץ אחד מן החכמים לשופט וקוראין שמו בלשון
40	קזר כנן על כן נקראו שמות השופטים שקמו אחריו
41	כנן עד היום והשר הנדול שלקוריא הסיבו שמו
42	סבריאלי ומליכזהו עליהם למלך ואומרים בארצינו
43	כי אבותינו משבט שמעון היו אבל אינינו עומדים
44	על אמתת הדבר והשלים המלך עם מלך אלן שכנינו
45	כי מלכות אלן עזה וקשה מכל האומות אשר סביבותינו
46	כי אמרו החכמים פן יתעוררו עלינו האומות למלחמה

¹¹ Of the word coming after **שה**, beginning with **א**, the upper stroke of a **ל** is still discernible. We should thus perhaps supply **למען** **שה** **א** **להיהם**. ונראה **אחריתו**.

¹² The remaining letters and the context suggest: **למלך** **י** **ון** **מ** **לאכים** **וגם**. **ל** **מלכי**.

¹³ Supply **אנשי** **ש** of **ש** **י**. However, the **ש** of **אנשי** is very doubtful.

¹⁴ The traces of two or three letters before the **ה**, which is also very doubtful, are too faint to suggest anything. The rest is torn off.

¹⁵ Read **להכזיבם**, as below, 28.

¹⁶ The letters **בי** are very doubtful, though to judge from the context it must have read here **העידו הערכים**.

¹⁷ Supply **אל** **חכמי** **ישראל**. ¹⁸ See **Exod.** 16, 35.

¹⁹ Allusion to Abraham. See **Gen.** 17, 3.

אחד יתן ויפלו מן השמים
אלו ערב והתערבו המינים
קדמא ויפלו מן השמים
אחריהם והתערבו המינים
בט והכזיבום היהודים והכזיבם
למשעות ימי בראשית עד יום
השני בואם אל ארץ נשכח העידן
העידן והתערבו המינים והתערבו
ואחריהם קדמא והתערבו המינים
אתהספרים אשר נפרסו לפנינו
בתוך המערה והתערבו המינים
חכמי ימיהם הראשונים אשר דברו ויפלו
ויפלו מן השמים והתערבו המינים
לפי שכן בראשית בראשית
התערבו המינים והתערבו המינים
התערבו המינים והתערבו המינים
בגן עד היום והתערבו המינים
סבר יאל וימליכוהו עליהם למלך ואומרו
כי אבותינו מעבדו שמועין היו אבל איננו
על אמות הדבר והשלים המלך עם מלך אלו
כי מלכות אלו עזה וקשה מלך האומות אשר
כי אשרו החכמים כי יתעוררו עליה האומות

47	ונוסף גם הוא על שנאינו ²⁰ על כן ה ²¹
48	איש את אחיו בצרה ויהי חתת א ²²
49	סביבותינו ולא באו על מלכות קור ²³
50	המלך נתעוררו כל האומות על ²⁴ ויציקו ²⁵
51	מלך מקדון ויבאו למלחמה מלך אסיה וט ²⁶
52	וויניל ומקדון רק מלך אלן היה בעזרת ²⁷
53	כי מקצתם היו שומרים תורת היהודים אלו המלכים ²⁸
54	נלחמו על קזריא ומלך אלן הלך על ארצם וי ²⁹ עד
55	אין מרפא ³⁰ ויגפם יי לפני בנימין המלך ³¹ וגם בימי ³² אהרן
56	המלך נלחם מלך אלן על קזר כי הסיתו מלך יון וישכור
57	עליו אהרן את מלך טורקיא כי היה ³² ויפול מלך
58	אלן לפני אהרן וילכדהו חי ויכבדהו ³³ אד ויקח
59	את בתו לבנו ליוסף לאשה אז ³⁴ לו מלך אלן אמונה
60	וישלחהו אהרן המלך ה ומהיום ההוא ³⁵ נפלה אימת
61	קזר על האומות אשר סביבותם . וגם בימי יוסף המלך
62	אדוני ³⁶ רו בהיות השמדה בימי רומנוס הרשע
63	הרב ³⁷ לאדוני סילה רבים ערלים וגם רומנוס
64	שלח מתנות גדולות להלגו מלך רוסיא ויסיתו
65	לרעתו ויבוא על מדינת סמבריי לילה וילכדה בגניבה
66	כי לא היה שם הפקיד רב חשמונני וידוע הדבר לבולשצי
67	הוא פסח המיקר ³⁸ ויבא על עיר ⁴⁰ רומנוס בחרון אף ויד
68	מאיש ועד אשה וילכד שלוש עיירות לבד הפרוודים
69	הרבה מאד ומשם בא על שורשו ⁴¹ וילחם עליה

²⁰ See Exod. i, 10.

²¹ Probably there followed here: ה[שלים עמו לעזור]. Cf. l. 44.

²² The biblical reference: Gen. 35, 5 and below, l. 45, suggest supplying below, l. 45 א[להים על האומות אשר].

²³ Only a trace of a מ or a ה is visible. Line 55 would suggest that we had here בימי בנימין אשר.

²⁴ Here is just space for קזריא.

²⁵ Perhaps we should supply להם בעצת.

²⁶ Read וטורקיא. The rest of the line is torn off whilst the beginning of the next is obliterated, which might possibly be supplied by l. 92.

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⁴² One or two letters are visible before the ה, which may be the remainder of a ל or a ב.

⁴³ The ר is most probably the remainder of מיר. After the י following ויקח the leg of a ק is still discernible, thus suggesting ויקח, followed by את. The רוסו stands for רוסיים.

⁴⁴ Probably it was חרב. Supply ויכם לפי.

⁴⁵ Before שלל, signs resembling an ע, possibly also a ה, are seen. Perhaps we should supply [עוד ה]שלל...

⁴⁶ Traces of לו are visible, making it likely that it read לואת.

⁴⁷ The end of the word is torn off, whilst the letter preceding the hole is illegible. Perhaps it is a ל. But there is no certainty about the other letters either, save the מ. If we could assume that the letters looking like וצ are a clerical error for a מ, then we would have the remainder of [מחמל]כות.

וי-צאן מן הארץ בתולעים
 שורט וימותו שהם תשעים איש
 ויהי האם שמוס ליום עובר וי-על
 ד רוסו וי-ת כל הנמצאים מהם
 ודב ומשם הלך על הלג למלחמה וילחם
 וד שים ויכניעוהו ליום פסח וי-
 שכל אשר לקח עם מכדין ואמר כי רומנו
 השיאנו ואת ויאמר לו פסח אם מן ק על רומנו
 והלחם ב אשר נלחמה ב ואלך מעתה ואם לא פה
 אמות את אחיה עד אקום תקומתי וילך בעל כרחו
 וילחם על קוסטנטינה ארבעה חדשים ביום ופלג שם
 גבוריו כי גברו מדינות באש וינס ויכלם לשוב אל
 ארצו וילך אל פרס ביום ויפל שם הוא ומלמחמהו
 אז היו חסידים כנענים ונחית ימי קור וי-
 מדיע לאדוני שם ארצו באש וי-עצו בוסריס
 וקעס ושם ביר הממלכה קור ושם היה העובר
 בתוכה אטור והו מימון לוס הבא מהות וי-
 עברו בו שלוחין לקוסטנטינה וכמדומה את
 הים הגדול מושך ומדינתו רחוקה מן היסודות
 לפים ומאה וששים רים ובין ארצו לקוסטנטינה
 בים תשעה ימים וביבשה שמה ועשרים יום
 וארץ ממלכת אדוני המעשים יום הנה וי-
 אסיה ופאכ וי-בואב ויבוס ונורקו ולחנין

²⁷ Supply **אִישֵׁי קִיר**. ²⁸ Supply **כֹּלֶם**.

²⁹ We should expect here **וַיִּכְסֵם מִכָּה**. I must also remark that the traces after **וַי** look somewhat like **ש**.

³⁰ See II Chron. 31. 18. ³¹ This word can also be read **בַּחֵי**.

³² After **הִיא** a faint trace of an **א** is visible. The rest is illegible. Perhaps we had here **אֶל וְהָבֹא אֵלָיו**.

³³ The rest is obliterated. Perhaps we should supply here **הַמֶּלֶךְ עַד מֵאֵר**.

³⁴ Read **עֲשֵׂה**. Perhaps we should read at the end of the line **בְּאֵמוּנָה**. Cf. Ps. 89. 50.

³⁵ After the **הַמֶּלֶךְ** traces of various letters are visible, which suggest supplying **הַבֵּיתָה**. But they are all doubtful to me.

³⁶ Perhaps we should read the last word **רוּבֵעִי**. The other letters are too faint to suggest anything to me.

³⁷ The context would suggest supplying **הַרְבֵּה** [ר]. Some trace of a **כ** at the beginning of the faded place is still to be seen, but it is very doubtful.

³⁸ Supply at the beginning of the line **הַרְשֵׁעַ** as above l. 62.

³⁹ Reading fairly certain, but it gives no sense. Perhaps it means "the Reverer." Perhaps it was **הַמִּיחָר**.

⁴⁰ This word can also be read **שָׂרִי**.

⁴¹ The letters following **שֹׁרְשֵׁי** look somewhat like **נו** but there is still room for one or two letters.

TRANSLATION*

* * * * *

- 1—Armenia and our ancestors fled from them[for they could not]
 - 2—bear the yoke of the worshipers of idols. And [the princes of Khazaria] received them [for the men of]
 - 3—Khazaria were first without Torah. And [they too] remained without
 - 4—Torah and Scriptures and made marriage with the inhabitants of the land [and mingled with them.]
 - 5—And they learned their deeds and went out with them [to the war continually.]
 - 6—And they became [one] people. Only upon the covenant of circumcision they relied. And [some of them]
 - 7—observed the Sabbath. And there was no king in the land of Khazaria. Only
 - 8—him who won victories in the battle they would appoint over them as general
 - 9—of the army. Now (it happened) at one time when the Jews went forth into the battle with them as
 - 10—was their wont that on that day a Jew proved mighty with his sword and put to flight
 - 11—the enemies who came against Khazaria. Then the people of Khazaria appointed him over them as general
 - 12—of the army in accordance with their ancient custom.
- And such was the state of their affairs for many days;

*The lines preceded by numbers correspond, as far as possible, with the Hebrew lines of the text. Words in square brackets indicate supplied matter, and thus cannot claim certainty and for which the notes to the Hebrew text should be consulted.

- 13—until the Lord had mercy and awakened the heart of the prince to do repentance.
- 14—For his wife, whose name was Serah, turned him and taught him profitably. And he also
- 15—consented, for he was circumcised. But also the father of the young woman, a righteous man in that generation,
- 16—taught him the way of life. And it came to pass that when the kings of Macedon
- 17—and the kings of Arabia heard of these things, they waxed exceeding wrath. And they sent
- 18—messengers to the princes of Khazaria with words of blasphemy against Israel, saying:
- 19—"What mean ye by returning to the belief of the Jews who are subject under
- 20—the hands of all the nations?" And they spake words which are not for us to tell. And they turned the
- 21—heart of the princes to evil. Then said the great prince, the Jew: "To what end,
- 22—increase words? Let there come (men) of the wise men of Israel and of the wise men of Greece,
- 23—and of the wise men of Arabia. And let everyone of them tell before us and before you.
- 24—[the work of his God and we shall see] the end." And they did so and he sent
- 25—[messengers to the kings of Greece] and to the kings of Arabia. But the wise men of Israel also offered themselves
- 26—[to come to the aid of the men of] Khazaria. Thereupon the Greeks opened with their testimony

- 27—.....and the Jews and the
 Arabians began to contradict them. And after this
- 28—[the Arabians bore witness] and the Jews and the
 Greeks contradicted them. And then opened
- 29—[the wise men of Israel their testimony] telling from
 the days of the creation, until the day when the chil-
 dren of Israel came up
- 30—from Egypt, and until they arrived at an inhabited
 country. (To the truth of this), the Greeks
- 31—as well as the Arabians bore witness and confirmed it,
 but there arose also dissension amongst them.
- 32—Then said the princes of Khazaria, "Behold, there is
 a cave in the valley of Tizul תיזול. Bring forth for us
- 33—the books which are there and explain them to us."
 And they did so and went
- 34—into the cave. And behold, there were there Books of
 the Law of Moses, and the wise men of Israel ex-
 plained them
- 35—in accordance with the words which they spake first.
 Then
- 36—Israel, together with the men of Khazaria, returned
 in perfect repentance. But also the Jews began
- 37—to come from Bagdad, from Khorasan כורסן and from
 the land of Greece and strengthened the hands of the
 men of
- 38—the land, and encouraged themselves in the covenant
 of the Father of the Multitude. And the men of the
 land appointed over them
- 39—one of the wise men as judge. And they call his name
 in the tongue of

- 40—Khazaria, Khagan. כֶּנֶן. Therefore, the judges who
arose after him are called by the name
- 41—Khagan כֶּנֶן, even unto this day. As to the great
prince of Khazaria, they turned his name into
- 42—Sabriel and they made him king over them. Now
they say in our land
- 43—that our ancestors came from the tribe of Simeon, but
we are not able to probe
- 44—the truth of the matter. Now the king made
peace with our neighbor, the king of the Alani,
- 45—because the kingdom of the Alani is the strongest and
the hardest of all the nations that surround us.
- 46—For the wise men said, “Lest when the nations shall
rise up to wage war against us
- 47—He also join unto our enemies.” Therefore [he con-
cluded peace with him to help]
- 48—one another in distress. And there was the terror of
God [upon the nations which]
- 49—surround us. And they came not against the kingdom
of Khazaria. [But in the day of] the king [Benjamin]
- 50—all the nations rose up against [the men of Khazaria]
and brought them into straits [according to the
counsel]
- 51—of the king of Macedon. And there went to battle
the king of Asia [and Turkey]
- 52—..... and Painil פִּינִיל and Macedon.
Only the king of the Alani was in support of
[Khazaria.]
- 53—For some of them observed the Torah of the Jews.
[All] these kings

- 54—waged war against Khazaria. But the king of the Alani went against their land [and smote them with slaughter,] so
- 55—that they could not recover. And the Lord smote them before the king Benjamin. But it happened also in the days of king Aaron
- 56—that the king of the Alani fought against Khazaria, for the king of Greece incited him.
- 57—But Aaron hired against him the king of Turkey [for he was then his friend.] And the king of the
- 58—Alani fell before Aaron who caught him alive. But [the king] honored him [very much] and took
- 59—his daughter as wife for his son Joseph. Thereupon the king of the Alani swore unto him in truth.
- 60—and Aaron the king sent him [to his house]. And, from that day there fell the fear
- 61—of Khazaria upon the nations which surrounded them. And also in the days of my lord, the king Joseph
- 62—..... when there was the persecution in the days of the wicked Romanus.
- 63—[And the matter became known] to my lord he trod down many of the uncircumcised. But Romanus, [the wicked,] also
- 64—sent great gifts to Helgu, the king of Russia, and enticed him
- 65—for his own evil, and he came in the night upon the province of the Sewerians "סמכר" and took it by deception.
- 66—For the commander, the head of the princes, was not there. But when the matter became known to Bulshazi

- 67—or Pesah, the Reverer, he marched against the cities
of Romanus in fierce anger and smote
- 68—both man and woman. And he took three cities be-
sides the hamlets
- 69—very many. And from there he marched against
Shorshu and fought against it.
- 70—..... And there came out of
the earth like worms
- 71—..... Israel and there died
ninety men of them
- 72—..... But he made them serve
under tribute and saved
- 73—..... [from] the hands of
Russia. [And he took] all those to be found of them
- 74—..... [sword] and from there
he went out to battle against Helgu and he fought
- 75—..... months and God subdued
him before Pesah and he found
- 76—....., of the plunder which he took from the
Sewerians, but he said, "Romanus
- 77—beguiled me (to do) this." Then Pesah said to him,
"If this be so, march against Romanus
- 78—and fight against him as thou didst fight against me,
and I will depart from thee, but if not, here
- 79—I shall die or live until I shall have taken vengeance."
And thus he marched against his own will
- 80—and fought against Constantinople four months on
sea. And his mighty men fell
- 81—there. For the Macedonians prevailed over him by
fire. And he fled but was ashamed to return to

82—his land. And he went to Persia by the sea and he
fell there, he and all his camp.

83—Then the Russian became subdued under the hands of
the Khazar. Behold, I

84—make it known to my lord that the name of our land
as we found it in books is

85—Arkanus, and the name of the royal city is Khazar,
and the name of the river that passes

86—through its midst is Atel אטל and it is south of the
sea that comes from through which

87—thy messengers came to Constantinople. And I believe
that

88—it starts from the Great Sea. But our province is
distant from that sea

89—two thousand and one hundred and sixty *ris*, and be-
tween our land and Constantinople

90—is nine days by sea and twenty-eight days by land,

91—and the land of the dominion of my lord is fifty days.

Behold, (these are) those who fight against us.

92—Asia, Bab al abwab, Zibus, Turkey, and Luznu.

* * * * *

ARABISMS IN RABBINIC LITERATURE

By A. COHEN, Manchester

IN the Talmud and Midrashim, fourteen words occur which purport to be Arabic. They are quoted, usually by R. Levi,¹ for the purpose of explaining words of the Bible the meaning of which had become forgotten, or as a basis for a homiletic interpretation.² The following is a list of them. For reasons to be afterwards explained, they are divided into two classes.

Class I

- (1) בערביא קורין לאימרא יובלא
- (2) בערביא קורין לבשרא לחמא
- (3) בערביא קורין למסריקא מסלסלה
- (4) לישון ערבי הוא בערביא קורין לנביא סביא
- (5) בערביא צווחין לביזתא עדיתא
- (6) בערביא קורין לינוקא עוילא
- (7) בערביא קורין לחתירתא עתירתא
- (8) בערביא צווחין לינוקא פתיא
- (9) בערביא קורין לשערא שיטפא
- (10) בערביא צווחין לתרגולתא ישכויא

¹ To R. Levi are ascribed all but Nos. 12 and 13. No. 7 is also quoted as an 'Arabism' by R. Eleazar b. Simeon. Akiba quotes No. 8 as used in כרכי הים, and No. 10 is quoted by Resh Laskish as a word found in the language of קן נשריא.

² To the former class belong Nos. 1, 2, 6, 9, 10, 12, 13, 14; to the latter Nos. 3, 4, 5, 7, 8, 11.

Class II

(11) בער לישון ערבי הוא

(12) טייעא [תגרא דערביא] אמר שקול יהבך

(13) ערבי אמר מה את מכסה בי

(14) קבע לישון ערבי הוא

These words raise a perplexing problem. In very few cases can they be referred with confidence to the Arabic; in some cases a resemblance can be detected; but in the majority of instances, the words are Aramaic or altogether unknown.

Two theories have been advanced to explain these facts. Firstly, it is suggested that ערביא does not mean Arabia, but is to be identified with Arrabeh, a Galilean town near Sepphoris.³ Against this it might be urged that no reason can be assigned why an insignificant town should be specially mentioned for its dialect, and not the country or district in which it is situated.⁴ Further, how, on this theory, are the genuine Arabic words to be accounted for? The second theory is that the language referred to is a dialect of Arabic which contained a large admixture of Aramaic.⁵ If this were correct, we see from the instances preserved for us in rabbinical literature that the predominance of Aramaic in this dialect over Arabic was truly remarkable.

³ Adolf Brüll, *Fremdsprachliche Redensarten* (Leipzig 1869), p. 29.

⁴ Thus the Galilean dialect is mentioned in Gen. r., ch. 26, § 7. Bacher declares, "Wir hören nicht dass er [R. Levi] ausserhalb des heiligen Landes sich aufgehalten hätte," *Agada der pal. Amoräer*, II, 303. It is nowhere expressly stated that he traveled to Arabia. But his knowledge of Arabian customs (see Lam. r., Proem. 23, ed. Buber, p. 20; Eccles. r. on 12, 8, and Tanḥuma, וישלח, § 11) leads one to suppose that he had journeyed to that country.

⁵ So Brüll, *l. c.*, p. 40; Kohut, *Aruch*, s. v. סך (p. 48); Bacher, *l. c.*

Would it not, therefore, be more probable to suppose that there was an Aramaic-speaking colony settled in Arabia? Modern discoveries have shown us how widely spread was the Aramaic language in all parts of the Eastern World. Endorsements on Assyrian and Babylonian contracts, papyri from Egypt, and Aramaic inscriptions from Arabia testify to this in ample manner.⁶ The Assuan papyri disclose the existence of a Jewish colony in Egypt using the Aramaic language. There is consequently nothing a priori improbable in the supposition that there was a Jewish colony, settled in Arabia, which preserved the Aramaic tongue of the mother-country. Such a dialect would naturally continue to use many words which had become obsolete elsewhere, since the rate of change in a language is much slower in the provincial districts.⁷ It would also incorporate words from the vernacular of the country. These two facts, added to the usual differences of pronunciation to be found in dialects, will account for practically all the 'Arabisms' in the rabbinic literature.

One important indication that the 'Arabisms' are really traces of an Aramaic dialect spoken in Arabia has hitherto escaped notice. There is a marked difference in the phraseology which contains an 'Arabism' and that which contains a reference to another language. In Class I we have uniformly קורין בערביא "In Arabia they call, etc."⁸ This need not necessarily mean that the word which follows is Arabic. When, for instance, the Talmud declares בבבל קורין לניוקא רביא (Sukkah 5b, Ḥagigah 13b), we do not infer

⁶ See Lidzbarski, *Ephemeris für semitische Epigraphik*, II, 200 ff., and Cooke, *North Semitic Inscriptions*, pp. 195 ff.

⁷ Comp. e. g. the French spoken by Canadian colonists with that of France.

⁸ The only exception is No. 4, which will be discussed below.

that רביא is a genuine Babylonian word. The statement merely means that, whereas ינוקא was used in Palestinian Aramaic, רביא was usual in Babylonian Aramaic. In similar manner בערביא קורין לאימרא יובלא may only mean that יובלא was the word employed for 'lamb' by the Aramaic-speaking Jews of Arabia.⁹

Further, despite the fact that the rabbinic literature contains over twenty references to the Greek language, we do not once find the formula ביון קורין "In Greece, they call, etc." Instead we meet with such expressions as:

(Gen. r., ch. 81, § 5) אלון לשון יונית הוא

(Gen. r., ch. 40, § 4) אפס לשון יוני הוא

(Shabbat 63b) בלשון יוני קורין לכלב למס

(Tanḥuma, צו) לשון אלנסטי קטבא שאול

(Abodah zarah 24b) קרו פרסאי לספרא דביר

(Abodah zarah 24b) קרופרסאי לנדה דשתנא

In all these instances, the phraseology indicates beyond doubt that a Greek or Persian word is intended. These are to be compared with some of the Arabisms contained in Class II, but are quite distinct from those enumerated in Class I.

Hence, with few exceptions, the 'Arabisms' in the rabbinic literature presuppose the settlement of a colony of Jews¹⁰ in Arabia, where Aramaic continued to hold its own against the vernacular. That the migration took place

⁹ Contrast the two statements אמר ר' עקיבא כשהלכתי לאפריקי היו קורין למעה קשומה (Rosh ha-shanah 26a) and אמר ר' עקיבא מט ככתפי שתיים פת (Sanhedrin 41b). In the former case a Hebrew word used by African Jews is clearly intended, in the latter a native word.

¹⁰ That they were Jews is evidenced by the presence of Hebrew words in Aramaic form.

at an early date, long before the commencement of the current era, may be inferred from the presence of words which had passed out of use in Palestinian and Babylonian Aramaic. Especially interesting is the apparent survival in Aramaic form of Hebrew words which had become obsolete, **יובלא**, **מסלסלה**, **עוילא**, and **פתיא**.

The following is a detailed discussion of the words:

Class I

יובלא (1)

(p. Berakot 9, 1 end) **אמר רבי לוי בערביא קורין לאימרא יובלא** "R. Levi said, In Arabia they call a lamb *ḡōblā*." Quoted to explain **והיה במשך היובל** (Josh. 6, 5). **מאי משמע** **דהאי יובלא** לישנא דדכרא הוא ? דתניא **אמר ר' עקיבא כשהלכתי לערביא היו קורין לדכרא יובלא** "How do we know that the word *ḡōblā* is an expression for 'lamb'? For it has been taught in a Baraita, R. Akiba says, when I went to Arabia, they were calling a 'lamb' *ḡōblā*" (Rosh ha-shanah 26a). Kohut refers to *ḡābilat(un)* which is sometimes used in the sense of 'lambs,' but more commonly of 'camels.' But the word is obviously the Hebrew **יובל**. We here meet it among an Aramaic-speaking colony in Arabia, just as it has been discovered on an inscription belonging probably to Carthage, which has been unearthed at Marseilles (see Cooke, *North Semitic Inscriptions*, p. 112). The Targum only uses the word in the meaning of 'Jubilee' (see Levy, *Chald. Wörterb.*, I, 325). In Syriac, the meaning 'lamb' is not found, but in the Syrohexaplar **יובל** is used for **היובלים** in Josh. 6, 4; but that merely represents Greek *ωβελ* (i. e. Hebrew **יובל** in transliteration) which Origen took over from Aquila.

(2) לחמא

ולחומם כגללים, שנהרגו והיה בשרם מושלך כגללים הללו, א"ר לוי
 "And their flesh as dung" (Zeph. i. 17): because they were slain, and their
 flesh was cast upon the ground like dung. R. Levi
 said, In Arabia they call 'flesh' *lahmā*" (Exod. i.,
 ch. 42, § 4). The explanation here given of לחם agrees
 with the LXX και τας σαρκας αυτων. לחם is not found in
 Aramaic in the sense of 'flesh.' Here it is to be explained
 as a loan-word from Arabic, or rather a loan-signification.
 It is not strange that a colony speaking the Aramaic lan-
 guage in Arabia should have adopted that signification,
 especially as *lahm* and לחם frequently denote 'food' gen-
 erally. Comp. לחם אשה Lev. 3, 11-16, where the *flesh* of
 the burnt-offering is intended.

(3) מסלסלה

סלה כל אבירי ה' (Lam. i, 15), וי"מ סלה כמו סרקון, א"ר לוי
 "There are some who explain *sillā* to mean 'comb.' R. Levi said, In Arabia
 they call a 'comb' *mesalselā*" (Midrash, *ad loc.*). In
 Arabic *salla* means 'to extract,' and there is no trace
 of the meaning 'to comb.' We find *musalsal(un)*
 'a piece of cloth figured with stripes or lines' and
mutasalsil(un) 'a piece of cloth woven badly' (Lane,
 p. 1398), which are probably borrowed from Aramaic
 (Fränkel, *Fremdwörter*, p. 76). Comp. Giṭṭin 59a where
 סלסלה is used for a linen garment. The explanation of
 סלסלה is to be found in the Hebrew סלסל 'to curl the
 hair' Nazir i, i (comp. 3a). The following passage from
 Rosh ha-shanah 26a is instructive: לא הוו ידעי רבנן מאי סלסלה:
 ותרומו, יומא חד שבעה לאמתא דבי רבי דהוות אמרה לההוא גברא
 דהוה קמהפך בשעריה, אמרה ליה עד מתי אתה מסלסל בשערך

"The Rabbis did not know the meaning of סלסלה in Prov. 4, 8. One day they heard the maid in Rabbi's house saying to someone who was combing (curling) his hair, 'How long wilt thou מסלסל thy hair?' " The fact that the Rabbis were ignorant of its meaning shows that the word was obsolete and only used in the country villages, from one of which the maid possibly came. It is consequently interesting to find the word survive among the Jews of Arabia.

(4) סכיא

אבי שוכו, שהיה אביהן של נביאים שסוכים ברוח הקודש, רבי לוי אמר (Lev. r., ch. i, § 3) סכיא לנביא קורין בערבי הוא (I Chron. 4, 18); (so called) because he was the father of prophets who *look* (into the future) through the aid of the Holy Spirit. R. Levi said, It is an Arabic expression; in Arabia they call a 'prophet' *sākīā*. There is no such root in Arabic. In Syriac we have *sakkī* 'to look out for, await'; and in Jewish Aramaic the root is very common in the sense of 'to look.' The use of the word in Aramaic for 'prophet' is paralleled by שמואל (I Chron. 26, 28) and נד סכואה (*ibid.*, 29, 29), see Levy, *Chald. Wörterb.*, II, 162. Comp. the use of חזה, רואה, and צופה in the Bible. The presence of the words לשון ערבי הוא, as already indicated, presents a grave difficulty to our theory. It should, however, be noticed that the formula לשון פ' הוא בפ' קורין occurs nowhere else in the Midrashim. Unfortunately there are no parallel passages to aid us; but possibly the original version read simply רבי לוי אמר בערביא קורין.

(5) עדיתא

מה אעידך מה אדמה לך, ר' יונתן אמר כמה ביות נתתי לכם . . . א"ר לוי בערביא צווחין לביזתא עדיתא (Midrash to Lam. 2, 13)

"R. Jonathan explains אַעֲדָר as "How many spoils have I given thee." R. Levi said, In Arabia they call 'spoil' *'aditā*." The lexicographers refer the word to *'adāyat(un)* which, however, means 'enmity,' not 'spoil.' Nearer to hand are the biblical עַר 'prey,' and the Targumic עֲרִיתָא Prov. 16, 19 and עֲרִי Isai. 33, 23, etc.

(6) עִילָא

יִשְׁלְחוּ כֶצֶאן עִילֵיהֶם, יִנְקִיהוּ, א"ר לוי בערבִיא קורִין לִינוֹקָא עִילָא (Gen. r., ch. 36, § 1, Lev. r., ch. 5, § 1) "They send forth their little ones like a flock" (Job 21, 11): *'aṣīl* means 'young.' R. Levi said, In Arabia they call a 'child' *'aṣīlā*." Although one naturally thinks of *'ḥāl(un)* and *'aṣīl(un)*, it is doubtful whether we have here a true Arabism. For the Arabic word means 'the persons fed,' and can refer equally well to a wife or a slave; it signifies 'family' rather than 'children' (see Lane). The root is, of course, different from עוּל 'to suckle' which is found in Hebrew and Syriac, for that corresponds to the Arabic *gāla*. The word עִילָא I take to be a survival in Aramaic of the Hebrew עִיל which occurs in Job 19, 18 (where the Targum has יִנְקִיא) and 21, 11.

(7) עֲתִירְתָא

וְיִעֲתֵר לוֹ ה', רבי לוי אמר מִשָּׁל לִבָּן מַלְכִים יִשְׁהִי חוֹתֵר עַל אֲבִיו לִיטוּל לִיטְרָא שֶׁל זָהָב וְהִיָּה זֶה חוֹתֵר מִבְּפָנִים זֶה חוֹתֵר מִבְּחוּץ, שֶׁבֶן בְּעֶרְבִיא קורִין לַחֲתִירְתָא עֲתִירְתָא (Gen. r., ch. 63, § 5) "'And the Lord was intreated ('tr) of him' (Gen. 25, 21). R. Levi said, It is like the case of a prince who, with his father, was digging (*htr*) for a pound of gold. One dug from within and the other from without; for in Arabia they call 'digging' *'atīrtā*." The following are the variants: שְׁמַעוֹן אֶלְעָזָר בֶּר ר'

אמר בערביא צווחין לחתירתא עתירתא (Lev. r., ch. 30 § 3); in the name of R. Levi לחתירה עתירה (Ruth r., ch. 5 on 2, 14); and in the name of R. Eleazar b. Simeon בערביא צווחין לחתרתה עתרתה (p. Sanhedrin 10, 2). There is no Arabic word resembling this with the meaning 'to dig.' The explanation I offer is this: we have here merely a dialectal difference of pronunciation. The Aramaic-speaking Jews of Arabia pronounced the ח like an ע. We may compare אית אתרא דצווחין לחייבא עייבא (Lam. r. on 2, 1). בגלילא צווחין לחויא אויא (Gen. r., ch. 26, § 7), and עכנא 'adder' with חכנא.

(8) פתיא

וארא בפתאים, אלו השבטים, אמר ר' לוי בערביא צווחין לינוקא פתיא (Gen. r., ch. 87, § 1) "And I beheld among the simple ones' (Prov. 7, 7); these are the tribes [the *children* of Israel]. R. Levi said, In Arabia they call a 'child' *patīā*." פתי יאמין לכל דבר, מהו פתי נער שכן בערביא קורין לנער פתי (Exod. r., ch. 3, § 1) "The simple believeth every word' (Prov. 14, 15); how know we that *peti* means a 'child'? Since in Arabia they call a 'child' *peti*." Elsewhere it is stated in the name of R. Akiba, לינוקא פתיא שכן קורין בכרכי הים (Sanhedrin 110b). The word is usually identified with *fata(n)* 'a youth' or *fatiq(un)* 'youthful.' It is, however, possible that the Hebrew פתי translated 'simple' also means 'youthful.' In the first passage quoted from the Book of Proverbs the parallel word is בנים, and the LXX

¹¹ By בכרכי הים is meant Asia Minor, the dialect of which is mentioned several times. In two cases genuine Arabic words are quoted as being used there, probably loan-words. "אבן טובה יש בכרכי הים ודרה שמה" "There is a precious stone in Asia Minor, called דרה" (Megillah 12a), which is clearly *durrat(un)* 'pearl'; and "עוף אחד יש בכרכי הים וקיק שמו" "There is a bird in Asia Minor, called קיק" (Shabbat 21a), which is probably to be identified with *kāḳ(un)* 'crow, raven' (Dozy, *Supplément*, II, 420).

render *רחב*. The root-meaning is 'to be spacious,' and as applied to the intellect 'open-minded, simple.' The word was then referred, as in Arabic, to the 'young' who are simple in mind; and, as pointed out above, there are passages in the Old Testament where the rendering 'youthful' would be quite suitable for פתי. Therefore it is not improbable that in our word פתיה is to be traced the Hebrew פתי.¹² On the other hand, I notice that Payne Smith (col. 3333) gives פתו "לדיה 'multiplicatae sunt proles ejus'; and it is just possible that פתיה was used in Aramaic for 'increase, progeny.'

(9) שיטפא

מי פלג לשטף תעלה, אמר ר' יהושע דסכנן בשם ר' לוי בערביא קורין "Who hath cleft a channel for each hair [*sic*; Eng. vers. *the waterflood*]?" (Job 38, 25). R. Joshua of Siknin said in the name of R. Levi, In Arabia they call 'hair' *šitfā* (Tanḥuma, Tazri'a, § 8).

אמר רבי ברכיה אית אתרין דצווחין לשערא שיטפא (Lev. r., ch. 15, § 3) "Rabbi Berechiah said, There are places where people call 'hair' *šitfā*."

This explanation of שטף is based on a passage in the Talmud (Baba batra 16a), where ויען יהוה את איוב מן הסערה is taken to mean "And God answered Job by the example of the *hair*." הרבה נימין בראתי באדם וכל נימא ונימא "Numerous hairs have I created in a man; but for each hair have I created a separate follicle (from which it has growth)." This word 'hair' שיטפא is otherwise unknown. Kohut conjectures a connection with Arabic *sbī*, with transposition of letters. But *sabī(un)*

¹² It is not denied that פתיה and *fata(n)* are the same word. This, however, does not necessarily imply borrowing, since they occur in kind in languages.

means 'lank,' and its connection with 'hair' is limited to the phrase *sabītu-š-ša'ri* 'a man having lank hair.' More probably the word is to be referred to the Hebrew and Aramaic root שטף 'to overflow,' it being descriptive of 'flowing' locks. We might, perhaps, compare שעה 'storm' and שער 'hair,' lit. that which is tossed about by the wind. It is true the Oxford Lexicon distinguishes the roots, but the Assyrian *šārtu* 'hairy skin' and *šāru* 'wind' (Delitzsch. *Assyr. Handwb.*, p. 635) seem to be in favor of a common root. The Arabic *ša'r(un)* 'hair' is to be considered a loan-word.

שכויא (10)

או מי נתן לשכוי בינה, הדא תרננולתא, א"ר לוי בערביא צווחין
 "Or who hath given understanding to the
sekuī (Job 38, 36)?" That is, the cock. R. Levi said, In
 Arabia they call the cock *sekuīā* (Lev. r., ch. 25, § 5).

In p. Berakot 9, 1, near end, the reading is ברומי צווחין
 "In Rome (?) they call, etc." And elsewhere it is stated, לקיש כשהלכתי לתהום קן נשריא
 (Rosh ha-shanah 26a). Only in rabbinic writings is שכוי found in the sense of 'cock,' and it seems to have been in use in certain provincial dialects. Here we find it in an Aramaized form.

Class II

בעד (11)

מבעד לצמתך, א"ר לוי לשון ערבי הוא, אין בעי ליה מימרא ארוח ל' הוא
 "Behind (*mibba'ad*) thy veil" (Cant. 4, 1): R. Levi said, It is Arabic. If one wishes to say 'make room for me,' he says 'מבעד for me.' (Midrash, *ad loc.*) R. Levi would render the passage in Canticles "take

away, remove thy veil." The reference is, of course, to Arabic *b'd*.

(12) יהב

לא הוו ידעי רבנן מאי השלך על ה' יהבך, אמר רבה בר בר חנה יומא חד הוה אוילנא בהדי ההוא טייעא הוה דרינא טונא ואמר לי שקול "The Rabbis did not know the meaning of 'cast upon the Lord thy *ḡehāb*' (Ps. 55, 23). Said Rabba bar bar Ḥana, One day I was journeying together with an Arab, and I was carrying a load. And he said to me 'take thy *ḡehāb* and cast it upon my camel'" (Rosh ha-shanah 26b).

The reference is to *ḡahb(un)*. Since the word טייעא is used for 'Arab,' it might signify one of the Southern Arabs, who said *ḡahb* instead of *ḡahb*.

ר' חייא רבה ור' שמעון בר ר' ור' שמעון בר הלפתא שכחון מילין מן התרגום ואתון להדא תגרא דערביא למלפיניה מן תמן, שמע קליה דאמר לחבריה תלי הדין יהבא עלי, שמעון מיניה יהבא מישי "R. Ḥiyya the Elder, R. Simeon b. Rabbi, and R. Simeon b. Ḥalaftha forgot the meaning of certain words of the Targum and went to a merchant from Arabia to learn it from him. They heard him say to somebody, 'Place this *ḡahbā* upon me'; whence they learnt that *ḡahbā* means 'burden'" (Gen. r., ch. 79, § 7).

The merchant who is mentioned need not necessarily have been an Arab. Possibly he was a Jewish merchant from Arabia. Note that in the continuation, it is שמע קליה דערבי.

(13) כס

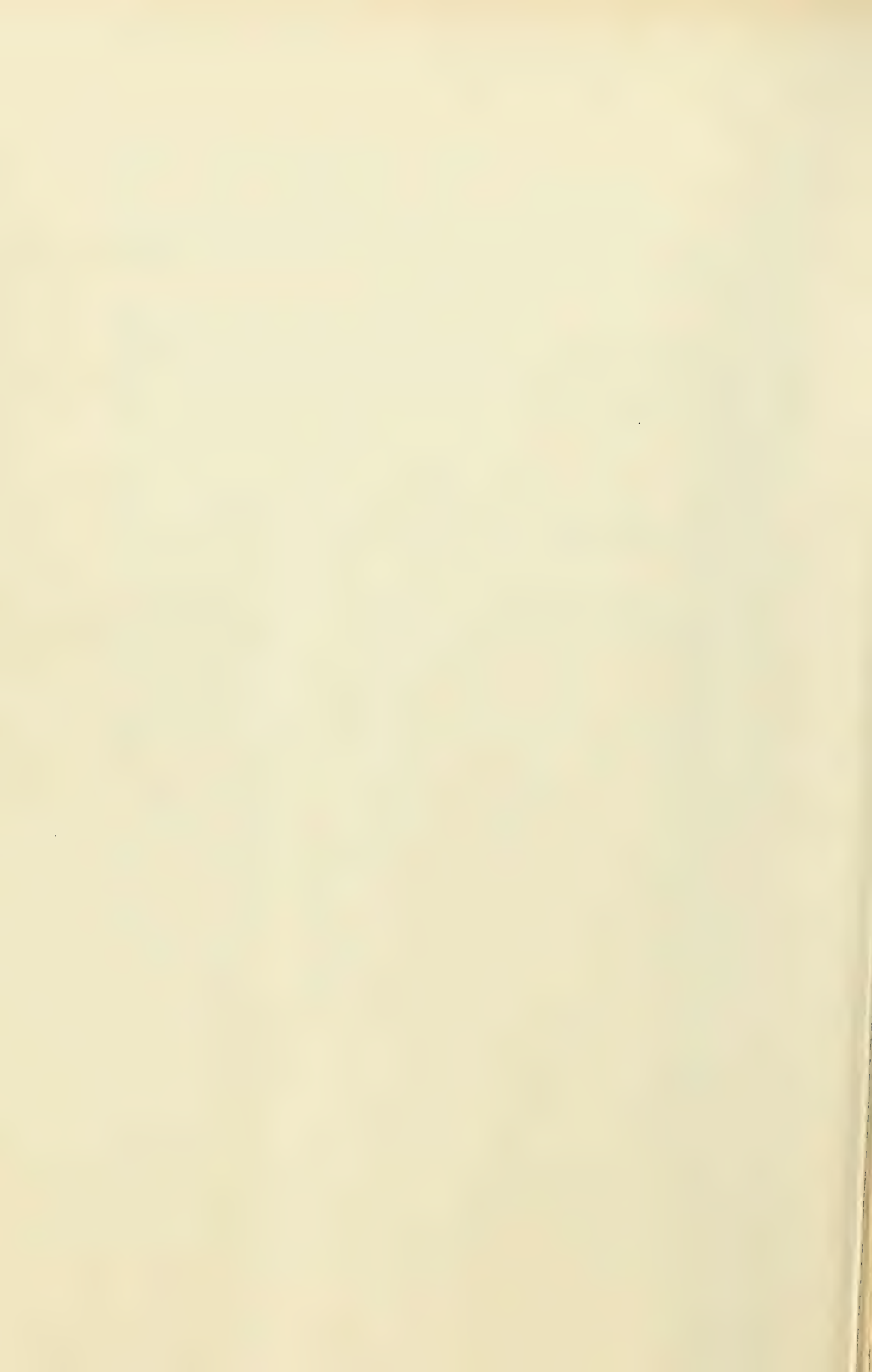
ועוד שמע קליה דערבי דאמר לחבריה מה את מכסה בי והיה רוצה לומר "They further heard an Arab say to someone 'why dost thou *mekasse* me?' He

meant to say 'why dost thou crush (*me'asse*) me?' As it is written 'And ye shall tread down (*'ss*) the wicked' " (Mal. 3, 21) (Midrash Gen., *ibid.*).

The word is *kassa* 'to grind,' *maksūs(un)* 'bruised, pounded.' The pronunciation of the כ and ע was somewhat similar. Comp. אית אתרא דצווחין לכיבא עיבא (Lam. r. on 2, 1).

קבע (14)

היקבע אדם אלהים, א"ר לוי לשון ערבי הוא. ערבי בא להשיח עם "Will a man rob (ḳb') God?" (Mal. 3, 8). R. Levi said, It is Arabic. When an Arab holds conversation with another and wishes to say to him 'Art thou he who defrauds us?' he says to him, 'Art thou our *ḳōbea'?*' " (Tanḥuma, Terumah, § 7). Comp. the following: לוי איקלע לההוא אתרא אחא נברא לקמיה, אמר ליה קבען, אמר ליה נולן פלניא, לא הוה ידע מאי קאמר ליה אתא שאיל בי מדרשא אמרו ליה נולן "Levi [b. Sisi] came to a certain place. A man stepped up to him and said to him 'So and so is a *ḳab'ān*.' He did not understand what he said. When he went and asked at the school they said, 'It means thief' " (Rosh ha-shanah 2a-b). The Arabic *ḳb'* has quite another signification. I suggest that the word intended here is *ḳbh*, which was either pronounced like *ḳb'* (comp. No. 7), or was used dialectally for it (see Wright, *Comparative Grammar*, p. 48). The reference is perhaps to the common phrase *ḳabaḥahu-llāhu* "God deprived him of the attainment of his desires." R. Levi accordingly explains היקבע אדם אלהים as being the reverse of this —'can a man deprive God of anything' in the same way as He can deprive man?



JEWISH-ARABIC STUDIES

BY ISRAEL FRIEDLAENDER, Jewish Theological Seminary of
America

I. SHIITIC ELEMENTS IN JEWISH SECTARIANISM.*

3. THE ONE TRUE PROPHET

THE doctrine which will now engage our attention has been of tremendous importance in the development of the religious thought of the East. It would widely exceed the scope of our present enquiry, were we to treat of this far-reaching as well as fascinating doctrine with any amount of detail. We must perforce limit ourselves to those aspects of it which afford points of contact with similar teachings within Judaism.

Perhaps we shall best illustrate the character and at the same time the inexhaustible vitality of this conception if we reproduce side by side its most ancient and its most modern formulation, widely removed from one another both in time and in space.

What is believed to be the oldest exposition of our doctrine is found in the so-called Pseudo-Clementine writings which were composed in Northern Syria in the second century of the Christian era.¹⁷¹ "The aim of mankind,

*Continued from New Series, vol. II, 481 ff.—The two preceding instalments of this article (New Series, I, 183 ff. and II, 481 ff.) are quoted as *Shiitic Elements* I and II.

¹⁷¹ On the Pseudo-Clementines see F. Ch. Baur, *Kirchengeschichte der*

according to the teaching of the Pseudo-Clementines, is the attainment of the Supreme Good, i. e. of the recognition of God. Man by reason of his sin is unable to attain this end by himself and he must therefore be aided by revelation which is transmitted through the True Prophet (ἀληθὴς προφήτης). *The True Prophet has not manifested himself in one, but in different persons and, changing names and appearances, traverses the different periods of the world's career till in his time he will be at rest. Just as the True Prophet returns as the same, so, too, the religion revealed by him is the same. There is no development but merely a constant repetition of the one and same religion. The primitive revelation in Adam, pure Mosaism and Christianity are in consequence identical.*¹⁷²

And this is the formulation which the representatives of the modern Babis or, as they are now commonly called, the Bahais, give to this essential doctrine of their faith.¹⁷³

drei ersten Jahrhunderte (Tübingen 1863), 218 ff.; Harnack, *Dogmengeschichte*³, I, 294 ff., and Uhlhorn in *PRE*³, IV, 171 ff.

¹⁷² Uhlhorn's analysis *ibidem*.

¹⁷³ As Babism has been repeatedly referred to in this article and will even more largely be drawn upon in the following, a few words about the origin of this sect may be welcome to the reader. Mirzā 'Alī Mohammed, of Shirāz in Persia—subsequently called the Bāb (see presently)—manifested himself in his native town in the year 1260 of the Hegira (May 23, 1844), exactly a millennium after the birth of the Shiitic Mahdī Mohammed b. al-Hasan (above, note 62). At first he claimed to be merely the Bāb ("Gate," "Entrance"), i. e. the mediator and forerunner of the Mahdī, but afterwards he maintained to be himself not only the Mahdī but also a Divine incarnation. He was executed on July 9, 1850 and his followers the Babis were persecuted with indescribable cruelty by the Persian Government. The Bāb insisted, in accordance with the theory set forth in the text, that his mission was not final and that a Greater One (designated by him as *man yuẓhiruhu 'Ilāhu* "He whom Allah shall manifest") would appear after him. The Bāb appointed as his successor, more correctly as his vice-gent (*Khalīfa*, see later under No. 8), Subhī Ezel, but in 1868 Ezel's half-brother Bahā'ullāh revealed himself as the Greater One predicted by the Bāb. He was acknowledged by

"The object for which man exists is that he should know God. Now this is impossible by means of his unassisted reason. It is therefore necessary that prophets should be sent to instruct him concerning spiritual truths and to lay down ordinances for his guidance. From time to time therefore a prophet appears in the world. There is no disagreement between the prophets: all teach the same truth, but in such measure as men can receive it. One spirit indeed speaks through all the prophets."¹⁷⁴ *"The reality of God in them never varies; only the garment in which the Primal Reality is clothed is different, according to the time and place of their appearance and declaration to the world. One day it is the garment of Abraham, then Moses, then Jesus, then Bahā'ullāh.* Knowledge of this oneness is true enlightenment."¹⁷⁵

nearly all Babis who since then prefer to be called Bahais. Bahā'ullāh died in 1892 and was succeeded by his eldest son 'Abbās Effendi who still resides as the head of the sect in Acco. [Since the above was written, 'Abbās Effendi has come over to this country where, according to the newspapers, he resides in Montclair, N. J.] The spread of Babism has been astonishing and its adepts are recruited from all faiths and nationalities, both of Asia and Europe. Especially noteworthy is its propagation in this country where there are a number of well-organized Babi communities. A succinct and comprehensive presentation of Babism, together with a full bibliography, has been given by Edward G. Browne, in Hastings' *Encyclopedia of Religion and Ethics*, II, 299-308. A profound analysis of Babism will also be found in Goldziher's presentation of Islam in *Die Orientalischen Religionen*, Berlin and Leipzig 1906, p. 128 ff., and in his *Vorlesungen*, 295 ff. Further details will be touched upon in the course of this article.

¹⁷⁴ E. G. Browne, *A Year amongst the Persians*, London 1893, p. 302 f., from a conversation of the author with two representatives of Babism. See on the formulation of the same doctrine by the Bāb himself F. C. Andreas, *Die Babis in Persien*, p. 40 ff.

¹⁷⁵ Eric Hammond, *The Splendor of God*, being extracts from the Sacred Writings of the Bahais, with introduction, p. 15; see also p. 33. The author appears to be a convinced Bahai.

Between these two poles, represented, with certain modifications,¹⁷⁶ by the ancient Clementine dogma and the teachings of present day Babism, lie innumerable applications of the doctrine of the One True Prophet.

A striking formulation of this dogma which deserves our special attention is found in the teachings of Manichæism. Giving a nationalistic coloring to this essentially universalistic doctrine, Mānī declares: "Wisdom and deeds have always from time to time been brought to mankind by the messenger of God called Buddha to India, in another by Zoroaster in Persia, in another by Jesus in the West. Thereafter this revelation has come down, this prophecy in this last age, through me Mānī, the messenger of the God of Truth to Babylonia."¹⁷⁷

It was probably through the medium of Manichæism that this profound conception gained access into Moham-medanism. It has fundamentally affected the prophetology of orthodox Islam in which the belief in a series of dispen-

¹⁷⁶ According to the Clementines, there is a *final* manifestation in which the True Prophet will be "at rest." According to the Babis, the number of manifestations is unlimited: "there have been endless numbers of them in the past, as there will be in the future" (E. G. Browne, *JRAS.*, XXI (1889), 914). Again, according to the Clementine doctrine, all manifestations are identical; "there is no development but merely a constant repetition of the one and same religion" (comp. above), while, according to Babism, there is a constant upward development from manifestation to manifestation; "a new prophet is not sent until the development of the human race renders this necessary" (Browne, *A Year amongst the Persians*, 303). This difference is of far-reaching importance, but does not affect the particular phase discussed in the text.

¹⁷⁷ Biruni, 207; Sachau's translation, 190. See also p. 192. The Babylonian particularism of the Manichæans is also evident from the fact that the head of the sect was obliged to reside in Babylonia, Flügel, *Mani*, 97 and 105.

sations,¹⁷⁸ the recognition of their transitory value,¹⁷⁹ and the admission at the same time of the prophetic, hence God-inspired, character of their representatives clearly point to this source. But it became of infinitely greater significance in heterodox Islam which is not only more generous in the recognition of the relative truth of the dispensations preceding Mohammed,¹⁸⁰ but, denying the fundamental Islamic dogma of the finality of his message,¹⁸¹ consistently admits of an endless chain of prophetic manifestations after him.¹⁸² In this form the conception of the One True Prophet has been in constant operation in Mohammedan sectarianism and has found expression in innumerable movements and doctrines.

¹⁷⁸ The five prophets who are believed to have appeared as founders of new religions before Mohammed are Adam, Noah, Abraham, Moses, and Jesus. These with Mohammed and the Mahdī who is to appear in fulness of time, make seven, see later.

¹⁷⁹ This is involved in the *naskh* doctrine, according to which the previous revelations have been abrogated and superseded by the Koran. Comp. Goldziher in *Orientalische Religionen*, 98.

¹⁸⁰ This applies particularly to Zoroaster. When asked by Professor Browne, whether Babism regarded Zoroaster as a prophet, one of the Babi preachers replied: "Assuredly" (*A Year amongst the Persians*, 327). "It is true," Professor Browne was told on another occasion, "we do recognize Zoroaster and others, whom the Musulmans reject, as prophets" (*l. c.*, 305). Ishāk "the Turk" declared that Abū Muslim was a prophet sent by Zoroaster and that Zoroaster was alive and had never died (Browne, *Persia*, 315). According to Ibn Ḥazm (d. 1064), many otherwise orthodox Mohammedans believed in the prophecy of Zoroaster (*Milal wa'n-niḥal*, I, 113, 6).

¹⁸¹ Compare later p. 247 and 277 f.

¹⁸² Perhaps the most striking formulation of this doctrine of infinite manifestations is the one given by the Bāb (see note 173) in one of his epistles (Browne, *JRAS.*, 1892, 473): "In the time of Noah, I was Noah, in the time of Abraham Abraham, in the time of Moses Moses, in the time of Jesus Jesus, in the time of Muhammed Muhammed, in the time of 'Alī Muhammed (the name of the Bāb) 'Alī Muhammed (this is undoubtedly the meaning of '*Alī-kābla-nabīl*, *nabīl* being the numerical equivalent of *Muhammed*). In the time of "the Greater One to Come" I shall surely be "the

Looked at in this light, a fundamental doctrine of the Jewish sectarian Abū 'Īsa stands out in its full meaning and assumes wide historic significance.

Abū 'Īsa manifested himself in an age and in a land which were marked by the wide currency of the belief characterized above. He addressed himself exclusively to the Jews whom he endeavored to free from political oppression, and he retained all the fundamental tenets of Judaism. Yet, actuated by the conception which recognizes the relative truth of the various, yet identical, manifestations of the Divine, Abū 'Īsa, in a manner which vividly reminds us of the formulation of Mānī, "*acknowledged the prophecy of Jesus, the son of Mary, and the prophecy of the Master of the Muhammedans, contending that each of these two was sent to his own people. He advocated the study of the Gospels and of the Koran as well as the knowledge of their interpretation, and he maintained that the Muhammedans and Christians were both guided in their faith by what they possessed, just as the Jews were guided in their faith by what they possessed.*"¹⁸³

This doctrine of Abū 'Īsa, recorded by Kīrkisānī, is fully confirmed by Ibn Ḥazm (d. 1064), who regards this

Greater One to Come," in the time of "the Greater One to Come Later" "the Greater One to Come Later," in the time of "the Greater One to Come still Later" "the Greater One to Come still Later" (etc.) until the end of Him who has no end, just as in the beginning of Him who has no beginning I was in every manifestation the proof of God towards his creatures."

¹⁸³ Kīrk. 312, 5: ואקר אבו עיסי בנבוה עיסי בן מרים ובנבוה צאחב אלמסלמין וזעם אן כל ואחד מנהמה מבעות אלי קומה ואמר בקראה אלמגול ואלקראן ומערפה תפסירהמא וזעם אן אלמסלמין ואלנצארי קר תעבד כל אמה מנהמא במא פי איריהם כמא תעבד אליהוד במא פי איריהם.

theory of Abū 'Īsa as the corner stone of his teachings,¹⁸⁴ and is often referred to by other Mohammedan theologians who take great pains to refute this attempt of the 'Īsawiyya to limit the validity of Mohammed's message to the Arabic race.¹⁸⁵ If we are to believe Ibn Ḥazm,¹⁸⁶ Abū 'Īsa gave expression to his reverence for the founders of Christianity and Islam by calling himself Mohammed, the son of Jesus,¹⁸⁷ and went so far as to believe in the immaculate

¹⁸⁴ Ibn Ḥazm's report about Abū 'Īsa (*Mīlāl wa'n-Nihāl*, I, 99) contains little else beyond a statement of the view mentioned in the text. Shahrastānī, on the other hand, who gives an elaborate *historical* account of Abū 'Īsa, leaves this particular doctrine unmentioned and attributes it to one of the subdivisions of the 'Īsawiyya (see later p. 243). Ibn Ḥazm's account has been reproduced in text and German translation by Poznański in *JQR.*, XVI, 765 ff. The 'Īsawiyya, according to Ibn Ḥazm, advanced the argument that Mohammed as the prophet of the Arabs occupied the same position and deserved the same recognition as Job, Bileam, and the other non-Israelitish prophets mentioned in the Bible, who were sent to their respective races. Ibn Ḥazm winds up his account by making the following interesting statement: "I have met many distinguished men among the Jews who hold the same doctrine" (see about this statement later, note 197).—Abū 'Īsa and the 'Īsawiyya are referred to incidentally in other passages of his *Mīlāl*. Thus in one passage (I, 112, *penult*, ff.) Abū 'Īsa is mentioned among Shi'itic and non-Mohammedan pseudo-prophets of whom miracles are reported, which miracles however, are worthless, "since miracles can only be relied upon when transmitted by multitudes." He refutes the 'Īsawiyya with the same arguments as Kīrkisānī (in the polemical chapters mentioned below, note 190), pointing out their inconsistency in accepting Mohammed as prophet and yet refusing to accept his claim that he was sent to the whole world (I, 114 f.). As one of the Jewish sects the 'Īsawiyya are briefly referred to I, 117, 16 and V, 122, 8.

¹⁸⁵ See Poznański, *JQR.*, XVI, 770 f. According to Baġdādī and Ibn Ḳayyim al-Jauziyya (Poznański, *ibidem*), Mohammed was believed to have been sent to the whole world, *except to the Jews and such nations as possess revealed writings*. See also later, note 194.

¹⁸⁶ *Mīlāl*, I, 99.

¹⁸⁷ Comp. Poznański, *l. c.*, 770. I may mention in passing that the passage in Hirschfeld's *Arabic Chrestomathy*, objected to by Poznański, *ib.*, note 3, is confirmed by the MS. and that Jesus, and not Abū 'Īsa, is meant there.

conception of Christ.¹⁸⁸ Kırkısānī is inclined to ascribe the recognition of Christianity and Islam on the part of Abū 'Īsa to a selfish motive. For by acknowledging these two propnests outside of the canonical range of Jewish prophecy, he had, in the opinion of this author, greater chances of finding credence for his own prophetic pretensions.¹⁸⁹ But Kırkısānī can scarcely have taken his own explanation seriously. For his thorough and elaborate refutation of this view of Abū 'Īsa, to which he devotes two separate chapters in his work,¹⁹⁰ distinctly shows that this opinion was not the freakish fad of an irresponsible sectarian, but the settled conception of the age.¹⁹¹ As a matter of fact, this view which admits the relative truth of Christianity and Islam is found not only among the sects closely related to the 'Īsawiyya, such as the Ra'yāniyya,¹⁹² the Shārakāniyya (or

¹⁸⁸ *Mīlāl*, II, 12: "The 'Īsawiyya from among the Jews agree with us, and so do the Aryūsiyya (Arians), the Bulkāniyya (Paulicians), and the Maḳdūniyya (Macedonians) from among the Christians, that he (Jesus) was a human being, created by God in the womb of Mary without a male."

¹⁸⁹ Kırk. 312, 9 ff. Elsewhere (Hirschfeld, *Arabic Chrestomathy*, 117, 1 ff.), Kırkısānī makes the same charge against Mohammed who pretended to believe in Jesus, so that his own claim as a prophet might not be denied, "in the same manner as mentioned by us of Abū 'Īsa al-Īsfahānī."

¹⁹⁰ Chapter 13 and 14, MS. British Museum Or. 2524, fol. 33b-39b. The refutation of Islam and Christianity which follows immediately is only a part of his polemics against Abū 'Īsa who acknowledged Jesus and Mohammed.

¹⁹¹ This may also account for the answer of Jacob ben Ephraim (Kırk., 312, 2 ff.) which so greatly shocked our author. To the Rabbanites of that period the Karaites who renewed the ancient vexatious contentions about the festivals seemed less sympathetic than the 'Īsūniyya, in spite of the fact that the latter "ascribed prophecy to those who did not possess it."

¹⁹² Baḡdādī (ed. Mohammed Badr, p. 263, 13): "*al-'Īsawiyya wa'r-Ra'yāniyya ... aḳarru bi-nubuwati Muḥammadin*" "The 'Īsawiyya and the Ra'yāniyya...admit the prophecy of Muhammed." The Ra'yāniyya are probably identical with the Yūdāniyya, see later.

Shādakāniyya)¹⁹³ and the Mushkāniyya¹⁹⁴ as well as the Karaitic faction of the Dusturians,¹⁹⁵ but it is also attributed to Anan,¹⁹⁶ and we have positive evidence that it was shared by representative and otherwise irreproachably orthodox Jews.¹⁹⁷

It is evident that a doctrine like this which regards all positive religions as nothing but transient forms of the same Divine truth, as different garments in which the Primal Reality clothes itself,¹⁹⁸ carries within it a spirit of tolerance which no religion, claiming to be the exclusive and

¹⁹³ Bagdādī 9, 14; comp. Schreiner in *REJ.*, XXIX, 211, and *Shiitic Elements*, I, 207, n. 92.

¹⁹⁴ Shahr., 169: "It is mentioned of a number among the Mushkāniyya (for variants see *Shiitic Elements*, I, 207, n. 93) that they firmly believe in the prophecy of the Chosen One (= Muhammed) for the Arabs and the rest of mankind, with the exception of the Jews, the latter being a people (forming) a religious community and (possessing) a revealed book" (MS. British Museum Add. 7250 omits *wa-kitābin*). See above, note 185.

¹⁹⁵ Kīrkisānī, MS, British Museum Or. 2524, fol. 35b: ופי אדסתרין קום מן

אצחאכנא ואפוקה פי הלא אלקול מן גהה מא "Among the Dusturians there are people from among our adherents (i. e. Karaites) who agree with him (with Abū 'Īsa) in this opinion to a certain extent."

¹⁹⁶ Grätz, V, 188, comp. Kīrk., 305, 2. Poznański, *REJ.*, LX, 308 f. doubts this generally accepted opinion. In view, however of the statements of Kīrkisānī as well as of Arabic authors, his doubts seem scarcely justifiable. Anan may have been a politician, but, considering the facts adduced above, it would be unfair to seek political reasons (Harkavy, *Studien und Mitteilungen*, VIII, 102, n. 39), or even more objectionable motives (Pinsker, לקושי, p. 20; Weiss, *Dor dor we-dorshow*, IV, 51) for his advocating a conception, which was in his age widespread in the East. It was scarcely of immediate benefit in a Mohammedan state to recognize Jesus as prophet. Steinschneider's harsh judgment (*Polemische und apologetische Literatur*, 343 f.) is certainly not justified.

¹⁹⁷ Ibn Ḥazm, above note 184. In another passage, which seems to be missing in the printed edition, I. Ḥ. insinuates that the leading Jews were convinced of the truth of Mohammed's claim, but refused to admit it (Goldziher, Kobak's *Jeshurun*, VIII, 78). Ibn Kājīm al-Jauziyya (d. 1350) reports the same view of a distinguished Egyptian Jew, Goldziher, *l. c.*, IX, 22 f.

¹⁹⁸ Above, p. 237.

final manifestation of Divine truth, can afford to exhibit. For tolerance, as Carlyle put it, has to tolerate the *unessential*. It is certainly not accidental that the rule of the Fatimides, whose religion of state in the form of the Ismā'iliyya doctrine hinges on the dogma of the One True Prophet and whose political claims are entirely based on the theory of the periodic manifestations of the Deity, is characterized by unparalleled tolerance.¹⁹⁹ It is the immediate consequence of the same basic principle which explains the all-embracing spirit of tolerance in modern Bahaism, a doctrine which addresses itself alike to "Buddhist and Mohammedan, Hindu and Zoroastrian, Jew and Christian"²⁰⁰ and commands the Bahais to "associate with all the people of the world, with men of all religions, in concord and harmony, in the spirit of perfect joy and fragrance;"²⁰¹ for "intolerance is, in the rule of the Bahai, the one impossible word."²⁰²

From this tolerance towards other religions which, properly considered, removes the boundary lines between faith and faith, it is only one short step to the desertion of one's own religion. The scantiness of our sources does not enable us to determine whether the few apostasies related of early Jewish sectarians, such as the conversion to Christianity of Meswi al-'Okbarī,²⁰³ or the repeated changes of faith of David al-Muḡammas²⁰⁴ are to be traced to this theory.²⁰⁵ But there is every reason for assuming that this

¹⁹⁹ Browne, *Persia*, 399, Dussaud, *Histoire et religion des Noṣeiris*, 49.

²⁰⁰ Hammond, *The Splendor of God*, 11.

²⁰¹ *L. c.*, 37.

²⁰² *L. c.*, 47.

²⁰³ Poznański in *REFJ.*, XXXIV, p. 180.

²⁰⁴ Kırık, 306; Harkavy's introduction, *ib.*, p. 260.

²⁰⁵ Ibn Hazm (d. 1064) quotes the view of one of his Jewish friends, the physician Ismā'il b. al-Ḳaddād (or al-Ḳarrād), who believed that all

doctrine was in operation in the case of Sabbathai Zevi and those that followed him. It is true, these sectarians were impostors and swindlers who were actuated not by dogmatic principles but by gross selfish motives. Yet, there is method in their charlatanism, and there is little doubt in my mind that when Sabbathai Zevi, faced by the punishment of the Turkish authorities, threw down his Jewish cap and exchanged it for the turban,²⁰⁶ the theory of the One True Prophet lingered in the back of his mind to allay his scruples. His adherents in any event were not slow in adducing philosophical reasons for this treacherous act of their prophet.²⁰⁷

But in its full and unrestricted operation our dogma may be seen in the case of Jacob Frank who raises the disloyalty towards one's religion to a full-fledged philosophic doctrine. To justify, whether in his own eyes or in those of his followers, his frequent changes of faith—he had changed his religion no less than five times—,²⁰⁸ this versatile scoundrel cleverly defends apostasy on philosophic grounds. "When people change their religion, it is only, as if one were pouring out oil from one vessel to another."²⁰⁹

religions were equally justifiable and that every man ought to adhere to his own ancestral faith. When entreated by our author to embrace Islam, he replied: "To change one's religion is to play comedy," or "he who leaves his own religion and embraces another, is impudent and plays comedy with (all) religions. He also disobeys God, who is worshiped by him by means of that religion," *Milal wa'n-nihal*, V, 120 and 121; comp. Schreiner in *ZDMG.*, XLII, 616 f., 657 f. It is not impossible that this belief in the relativity of all religions is a reflection of the doctrine mentioned in the text.

²⁰⁶ Grätz, X, 220.

²⁰⁷ Grätz, *l. c.*, 222 f., 230, 453, 457; קצור ציצת נובל, 32b, 38b, 41b. Sabbathai himself spoke openly of his conversion, Grätz, *l. c.*, 445.

²⁰⁸ פראנק ועדתו, p. 252.

²⁰⁹ *Ib.*, 255.

"Know ye," declares Frank to his followers,²¹⁰ "that it is impossible for anyone to get to a new place, unless he has made a start, and this start is he who founded the religion of Islam. After him came the second who revealed to us the mystery of Baptism and to him we shall now revert." His innermost conviction, which was nothing but a thorough contempt for all positive religions, is betrayed in another utterance of his: "He who studies all the religions and systems and books that have been founded or written until this day, is like one who turns his face backwards and looks at things that are already dead."²¹¹ "Your old books and systems are bound to be shattered like vessels of clay."²¹²

4. SUCCESSIVE INCARNATION

The theory of the One True Prophet is logically inseparable from the doctrine of Successive Incarnation. At the bottom of both lies the fundamental Gnostic or rather Neo-Platonic conception that God, "the unoriginated, inconceivable Father," who is without material substance, is entirely unknowable and therefore can make himself known to man only by incarnation, by embodying himself in human form, i. e. in the prophets.²¹³ Thus the prophet or the Messiah, the "Christ," becomes the manifestation, and the only manifestation, of God on earth, a view which logically leads and has in the course of history actually led to the deification of the prophet. In conjunction with the theory of the One True Prophet, the doctrine of Incarnation is widened to that of *Successive Incarnation*, which teaches the *periodic* manifestation, or incarnation, of God in various ages in

²¹⁰ *Ib.* 101.

²¹¹ *Ib.*, 119.

²¹² *Ib.*, 122.

²¹³ Comp. Uhlhorn in *PRE.*,³ IV, 171; comp. also *Shiites*, II, 86, 4 ff.

different human personalities who, embodying, as they do, the same Divine substance, are, in reality, one: the One True Prophet.²¹⁴ As to the number and identity of the persons, in whom the Divine has thus been successively incarnated, a great deal of uncertainty seems to have prevailed from the very beginning. Thus in the Pseudo-Clementines the persons in whom the One True Prophet has revealed himself are specified in one place as Adam, Enoch, Noah, Abraham Isaac, Jacob, and Moses, in another as Adam, Enoch, Noah, Abraham, Isaac, Jacob, and Christ, in both the number seven seems to be intended.²¹⁵ Later applications of this dogma show numerous variations, in accordance with local and historic requirements.

The theory of Successive Incarnation has had far-reaching consequences for the dogmatic development of Islam. It succeeded in forcing its way into orthodox Islam whose prophetology is profoundly affected by it,²¹⁶ but here it was checked in its course by the emphasis laid on the final character of Mohammed's prophetic message.²¹⁷ In heterodox Islam, however, in which this barrier was partly or completely removed,²¹⁸ the doctrine of Successive Incarnation has found an almost unlimited field of operation.

²¹⁴ Above, p. 236.

²¹⁵ *Shiites*, II, 85 f.

²¹⁶ See Goldziher's article "Neuplatonische und gnostische Elemente im Hadit" in *Z.A.*, XXII, 324 ff.

²¹⁷ The title "Seal of the Prophets" assumed by Mohammed (Koran 33, 40) is interpreted in this sense and is emphasized by the canonical ḥadith which makes Mohammed declare "there is no prophet after me," comp. *Shiites*, I, 47, and II, 48. According to Birūnī, 207, already Mānī believed that he was "the Seal of the Prophets." According to Shahrastānī (I, 192), Mānī predicted that "the Seal of the Prophets" (i. e. Mohammed) would come to the Arabs. The latter is no doubt a clumsy Mohammedan fabrication.

²¹⁸ See above p. 239. In modern Babism the title "Seal of the Prophets," as applied to Mohammed, is interpreted as "the seal of the prophets who have

We can observe the march of this conception from the early development of Shiism down to the present day. The attempt has been made to find in the theory of Successive Incarnation the very germ of Shiism, by identifying it with the *Raj'a* doctrine enunciated by the founder of Shiism, 'Abdallah b. Saba.²¹⁹ This view can scarcely be upheld, for *Raj'a* in its original meaning excludes incarnation.²²⁰ But the doctrine of Successive Incarnation begins to appear in full-fledged size among the numerous Shiitic factions which sprang up in 'Irāk in the second century after Mohammed. Without making the slightest attempt at completeness, we may single out a few representatives of this doctrine within heretodox Islam. The sectarian Muğīra b. Sa'īd (d. 737) of Kufa, whose teachings betray throughout the profound influence of Gnostic ideas, taught "that the prophets never differed in anything concerning the laws."²²¹ His contemporary and townsman Abū Maṣṣūr al-'Ijlī held similarly the belief in the uninterrupted succession of apostles,²²² or, as another report puts it, "that the apostles would never cease and the apostleship would never cease."²²³ 'Abdallah b. Mu'āwīya, the contemporary of Abū 'Īsa al-'Īṣfahānī, maintained that he was God and that the Divine Spirit manifested itself in Adam, then in Seth, then

gone before and the key of those who are to come," Browne, *A Year amongst the Persians*, p. 327 (I may mention in passing that the expression "key of prophecy" is applied to *Moses* by as-Su'ūdī, *Disputatio pro religione Mohammedanorum contra Christianos*, Leiden 1890, p. 189).—On this fundamental distinction between orthodox and heterodox Islam see Goldziher, *Vorlesungen*, 249 f.

²¹⁹ See *AbS.*, II, 11.

²²⁰ *Ibidem*. In the same manner *Raj'a* is to be distinguished from the Transmigration of Souls; below, note 283.

²²¹ *Shiites*, I, 60, 1.

²²² *L. c.*, I, 62, 13.

²²³ *L. c.*, II, 92, 5 ff.

it circled through the prophets and finally revealed itself in him.²²⁴ The famous rebel and Pseudo-Messiah Muḳanna' (d. 780) asserted in exactly the same manner that he was a Divine incarnation and that the Divine Spirit, after having manifested itself in Adam, Noah, Abraham, Mohammed, 'Alī, and others, finally settled in him.²²⁵ It is the same doctrine for which in a later century the celebrated mystic Ḥusein b. Maṣṣūr al-Ḥallāj, whose influence survived long after his death and penetrated beyond the boundaries of Islam,²²⁶ suffered martyrdom at the hands of the 'Abbasid government.²²⁷

The same theory of prophetic cycles, with a complicated and systematic elaboration of the various manifestations and their mode of succession, forms the basis of the Ismā'īliyya doctrine which, after tremendous upheavals, led to the establishment of the Fatimid dynasty and became the acknowledged religion of that powerful empire.²²⁸

It lies at the bottom of the doctrine of the Ḥurūfī sect whose founder Fadlallāh of Astarabād in Persia maintained

²²⁴ *L. c.*, II, 45, n. 8.

²²⁵ *L. c.*, II, 120, 30 ff., Goldziher in *ZA.*, XXII, 337 ff. The number of manifestations specified by Muḳanna' (*ibidem*, 338, n. 4) amounts to seven.

²²⁶ Comp. *JQR.*, XIX, p. 92, n. 1 and *Shiites*, II, 115, n. 2.

²²⁷ *Shiites*, II, 114 f. and Browne, *Persia*, 428 ff. Ḥallāj is addressed as "the eternal and luminous Creator who assumes human form in every age and period and in our own time has assumed the form of al-Ḥusein b. Maṣṣūr (= Ḥallāj)," *Birūnī*, 212, 1.

²²⁸ See the elaborate presentation of the Ismā'īliyya doctrine by Browne, *l. c.*, 405 ff., and Goldziher, *Vorlesungen*, 247 ff. For further literature see *Shiites*, II, 19, 27 ff. On the influence of these originally Neo-Platonic ideas on Judaism see Goldziher, *Kitāb ma'ānī al-nafs*, p. 41 ff. On their effect on Judah Halevi see the same in *REJ.*, L, 32 ff. The doctrine quoted by Goldziher in *ZA.*, XXII, 329, n. 1, according to which the "Luminous Substance" was transferred from the forehead of Adam to that of Seth, then Enoch, etc., and through Ishmael to the ancestors of Mohammed, strikingly resembles even in its details Judah Halevi's theory of the סגולה.

that God manifested himself in him, "after having revealed himself in the person of Adam, Moses, Jesus, and Muhammed," and suffered martyrdom for his belief at the hands of Mīrānshāh, the son of Timur, in 1393.²²⁹

The doctrine of Successive Incarnation is still widely represented among numerous sects in the East, such as the Yezidis, Druzes, Mutawile, and Nuṣeiriyya,²³⁰ but here, too, it has found its most perfect expression in the teachings of Babism or Bahaism. We have already referred to the cardinal importance which Bahaism attaches to the doctrine of the One True Prophet.²³¹ It is therefore with perfect consistency preached in Bahaism that "Adam, Noah, Moses, David, Jesus, and Muhammed, though in common parlance spoken of as being distinct, are yet but one, the Primal Will,"²³² and that it is therefore "correct to say that Moses is identical with Jesus, or Jesus with Muhammed."²³³ The Christian adepts of Bahaism have drawn the logical conclusion of this doctrine and consistently declare that the present head of the Bahais, 'Abbās Effendi, is a reincarnation of Christ.²³⁴

I believe it is not too far-fetched to find a reflection of this widespread idea in the abrupt notice of Shahrastānī²³⁵

²²⁹ *Textes Persans relatifs à la secte des Houroufis* (E. J. W. Gibb Memorial Series, Vol. IX), p. xiii, xvii. See also *ibidem*, 30 ff.

²³⁰ Comp. Kremer, *Geschichte der herrschenden Ideen des Islams*, p. 13 f. On the older Shiitic representatives of this doctrine see *ib.*, p. 188 ff. See also Goldziher in *Orientalische Religionen*, p. 126 f.

²³¹ Above p. 236 f.

²³² E. G. Browne in *JRAS.*, XXI (1889), p. 914. The number of prophets enumerated there amount together with the Bāb to seven. In the passage quoted above in note 182 the number of manifestations including "the Greater One to come" amounts to seven. This is perhaps not accidental, see later p. 253 f.

²³³ Browne, *Tarikh*, 335.

²³⁴ Browne, *Persia*, 311. Goldziher in *Orientalische Religionen*, 128.

²³⁵ I, 168, 10 ff. Instead of 'Isa read *Abū 'Isa*.

that "Abū 'Īsa al-Īṣḩāhānī maintained that he was a prophet and that he was the messenger of the Messiah the Expected One. He also maintained that the Messiah²³⁶ had five messengers who appeared before him one after the other," and "that the Messiah is the most excellent of all the children of Adam and higher in station than the preceding prophets."²³⁷

The fragmentary character of our material unfortunately does not enable us to judge whether the adoption by Abū 'Īsa of the theory of Successive Incarnation involved the consequence of the deification of the Messiah, drawn by radical Shiism. But our doctrine with all its extravagant implications is almost without modifications reproduced in the teachings of the Sabbathians. According to the belief of the Dönmeḩ sect, "the soul of the Messiah which forms a part of the Deity, representing the Deity in the flesh, in corporeal life, clothes itself in every age in the body of a perfect man... *This soul of the Messiah has also embodied itself in Jcsus and Muhammed.* In Sabbathai Zevi it has found, as it were, its full expression."²³⁸

²³⁶ On the meaning of the word in this connection see later, p. 258 ff.

²³⁷ Shahr., *ibidem*.—The conception of Abū 'Īsa as the One true Prophet probably underlies the curious distinction which Abū'l-Faḩl as-Su'ūdī (ca. 1535), *Disputatio pro religione Mohammedanorum contra Christianos*, Leyden 1890, p. 189, draws between the 'Īsawīyya and the 'Īṣḩāhāniyya. The former are "the adherents of Abu 'Īsa al-Īṣḩāhānī who maintain that Jesus and Muhammed were prophets sent to their respective races only." The latter are "the adherents of Abū 'Īsa al-Īṣḩāhānī who maintain that Abū 'Īsa was a prophet sent *prior to Moses*," a view which, as Su'ūdī polemically points out, is at variance with the general Jewish belief that "there was no prophet prior to Moses, the latter being in their opinion the key of prophecy and the first-born of apostleship," and also contradicts the Torah "which expressly declares that God's commands were given to men prior to Abū 'Īsa." It would be interesting to know whether this distinction is an invention of Su'ūdī or whether it was, as seems more natural, derived from an older source.

²³⁸ Grätz, *Frank und die Frankisten*, 14.

Jacob Frank who, as was repeatedly stated before, had in his youth come in intimate contact with the Dönme, held essentially the same belief. He declared "that all great prophets and seers that have arisen in Israel from antiquity until now were all the same soul and the same spirit in different shapes, this soul transmigrating and changing its forms in the course of many years."²³⁹ David, Elijah, Jesus, Mohammed, Sabbathai Zevi, and his successors, among the latter specifically Berachiah (the son of Jacob Querido), whom the Sabbathians of Salonika worshiped as a divinity in prayer,²⁴⁰ and finally Frank himself were one and the same person in different bodily forms, and one and all were the same incarnation of the Deity.²⁴¹ Just as the Christian Bahais look upon 'Abbās Effendi as an incarnation of Christ, so could the adherents of Frank who lived among Christians consistently affirm their belief that Jesus was hidden in Frank.²⁴²

It would be futile to deny that the blasphemous heresies of these sectarians are intimately related to certain similar speculations of the Kabbalah²⁴³ of which these heretics were passionate admirers and believers. But when we remember the fact that, prior to the development of this phase of the Kabbalah, a doctrine of undoubtedly Mohammedan origin, belonging to the same set of ideas, became part and parcel of the nationalistic philosophy of Judah Halevi,²⁴⁴ we can

²³⁹ פראנק ויערתו, p. 45.

²⁴⁰ *L. c.*, 97; Grätz, *Frank*, p. 14; compare the prayer *ib.*, Appendix VI, p. XXXIII.

²⁴¹ Grätz, X, 378.

²⁴² *Frank und die Frankisten*, 26.

²⁴³ *Comp. Grätz*, X, 206 f. and 463 ff.

²⁴⁴ Above, note 228.—An interesting example of the influence of the Ismā'īliyya (or Karmatian) doctrine on the Kabbalah is quoted by Ad. Frank, *La Kabbale*, Paris 1889, p. 32.

have but little doubt that at least in the peculiar formulation which this conception assumed at the hands of the Sabbathians the theory of Successive Incarnation was not altogether dependent on the Kabbalah and must have passed through the medium of the non-Jewish influences referred to above.

The effect of this heterodox Mohammedan dogma may perhaps extend to a specific detail. In spite of the fact that the number of Divine manifestations is unlimited and endless,²⁴⁵ a view which is preached with particular emphasis by the Bāb,²⁴⁶ the sum of the Divine incarnations is frequently fixed at seven, the old sacred figure. This number is already discernible in the Pseudo-Clementines²⁴⁷ and is possibly applicable to Mohammed.²⁴⁸ It occurs with astonishing frequency in the history of Shiitic sectarianism²⁴⁹ and forms the basis of the complicated dogmatic system of the Ismā'īliyya who are for this reason called *Sab'iyya* or *Seveners*.²⁵⁰ It is still represented in our own days in the teachings of the Druzes²⁵¹ and the Nuṣeiriyya,²⁵² partly also in those of the Babis.²⁵³

²⁴⁵ Above, note 176.

²⁴⁶ Above, note 182.

²⁴⁷ *Shiites*, II, 85 f.

²⁴⁸ Above, n. 178. Perhaps the same applies to Mohammed's contemporary Omayya b. Abī Ṣalt who was anxious to assume a prophetic rôle, *Shiites*, II, 28 n. 1.

²⁴⁹ Comp. *Shiites*, II, 89 f., 127.

²⁵⁰ See, e. g., Browne, *Persia*, 408 ff. On the same number in the doctrine of Bihāfarīd, comp. *ib.*, 310, and among the Ḥurūfīs *Textes persans relatifs à la secte des Houroufis*, p. xviii.

²⁵¹ Comp. de Sacy, *Chrestomathie Arabe*², II, 250 ff.

²⁵² Dussaud, *Histoire et religion des Nuṣeiris*, 42 ff., 70 f., 74 f.

²⁵³ See note 232. Comp. also Andreas, *Die Babis in Persien*, p. 40.—'Abbās Effendi, the present head of the Bahais, speaks in one case (Some Answered Questions, translated by Laura Clifford Barnay, p. 189) of Abraham, Moses, Christ, Mohammed, the Bāb, Bahā'ullāh, in another (Myron H. Phelps, *Life and Teachings of Abbas Effendi*, New York and London 1903,

Perhaps it is not accidental that the two Jewish references to these periodic manifestations quoted above seem to imply the number seven. In the case of Frank this number easily suggests itself.²⁵⁴ Perhaps it is also applicable to the belief of Abū 'Īsa, recorded by Shahrastānī²⁵⁵ and vividly reminiscent of the five anti-Mohammedan dispensations assumed in Islam,²⁵⁶ that the Messiah was preceded by five apostles. For in as much as, according to the same author, Abū 'Īsa considered himself the forerunner of the Messiah,²⁵⁷ the sum of all the manifestations would amount to seven.

5. TAFWĪD

The unsurpassable gulf which Neo-Platonism created between God and the world necessitated the introduction of a mediating power, a Demiurge, such as found expression in the Logos doctrine of Philo and in the Christology of orthodox and heterodox Christianity. The same philosophic necessity prompted similar speculations in Jewish Mysticism of all ages.²⁵⁸ In orthodox Islam with its crude but healthy monotheism there was no room for such extravagant notions. The greater is the force with which they make their appearance in heterodox Islam. If the prophet or Imām was conceived as an incarnation of the Deity, there was

p. 127, similarly p. 254) of Moses, Zoroaster, Buddha, Christ, Mohammed, and Bahā'ullāh as the great divine manifestations of the past. In both cases the number amounts to six. If this number be not a mere coincidence, the quoted utterances may darkly hint at the possibility that 'Abbās Effendi himself is the seventh manifestation. Comp. later, note 277.

²⁵⁴ Above, p. 252.

²⁵⁵ Above p. 251.

²⁵⁶ Above, note 178.

²⁵⁷ See later, p. 261 and 268.

²⁵⁸ Comp. Ginzberg in *Jewish Encyclopedia* (Article "Cabbala"), III, 462, especially 464a.

nothing simpler than to follow the example of Christianity and identify the prophet with the Demiurge who rules the world on behalf of the unknowable, inconceivable Father.²⁵⁹ We do not refer here to the numerous instances in which mystics and impostors, on the basis of the doctrine of Successive Incarnation or in a fit of pantheistic ecstasy, believed or declared themselves to be divine. We have rather in view those cases in which a human being is unequivocally proclaimed to be a Creator or a Demiurge. A curious example of this Christian influence within Islam is the theory of Aḥmad b. Ḥā'it and Aḥmad b. Yānūs,²⁶⁰ the disciples of the famous Mu'tazilite philosopher Nazzām (ninth century)²⁶¹ "that the world had two creators: one who is eternal, and this is God, and the other one who is created and this is the Word of God, Jesus Christ."²⁶² Other sectarians, however, gave a distinct Mohammedan coloring to this anti-Mohammedan doctrine. They taught "that God created Muhammed and 'Alī and then turned over the matter (i. e. the management) of the world to them, so that it is they who create, sustain, bring to life, and put to death,"²⁶³ or, as another reliable authority²⁶⁴ formulates this theory, "that God created Muhammed and turned over the management to him, so that it is he who created the world, to the exclusion of God. Then Muhammed turned over the management of the world to 'Alī b. Abī Ṭālib who is thus the third

²⁵⁹ From this point of view Mohammedan writers rightly compare the extravagant notions of the ultra-Shiites concerning 'Alī with those of the Christians concerning Christ, *Shiites*, II, 101.

²⁶⁰ See regarding the variations in the forms of their names *Shiites*, II, 10.

²⁶¹ *Ib.*, 58.

²⁶² *Ib.*, 90 f.

²⁶³ *Ib.*, 91, 16.

²⁶⁴ *Ib.*, 91, 19.

Demiurge.²⁶⁵ This doctrine was called *Tafwid* (i. e. "Turning over") and its adepts were designated as *Mufawwida*.²⁶⁶ The same heresy has been able to maintain itself down to the present day. For the catechism of the modern Nuṣeiriyya, in reply to the question, "Who created us?," gives the curt answer: "'Alī."²⁶⁷

While making full allowance for the undoubted influence of the Kabbalah with its speculations about the soul of the Messiah²⁶⁸ and its theories of an intermediary divine being,²⁶⁹ I am inclined to believe that the extreme formulation of this dogma in the case of Sabbathai Zevi and his followers is in some way connected with the extravagant doctrines of radical Shiism. The inveterate Sabbathian adventurer Michael Cardoso taught "that the God of Israel

²⁶⁵ In accordance with the same theory, the Rāwandīyya who attacked the Caliph Maṣṣūr in his palace (*Shiitic Elements*, II, 503) believed, "that their Lord, who provided them with food and drink, was Abū Ja'far al-Maṣṣūr" (Tabarī, III, 129).—The Karaite Jepheth b. 'Alī (ca. 950) mentions among various, apparently Mohammedan, heresies also the view "that the creator of the world is no more alive, but created the world and then withdrew and disappeared" (Pinsker, לקוטי, p. 26). I may mention in this connection that a number of Mohammedan heterodoxies are quoted by Hadassi in his אשכול הכפר, Alphabet צ"ז.

²⁶⁶ *Shiites*, II, 91, 19.

²⁶⁷ *Ib.*, II, 127, 11. Comp. 128, 2. Already Ibn Teimiyya (d. 1328), the famous Mohammedan theologian, attacks the Nuṣeiriyya, because they believe that "the creator of heaven and earth is 'Alī, the son of Abū Ṭālib, who is their god in heaven and their Imām on earth" (Dussaud, *Histoire et religion des Nuṣeiris*, 46). Their confession of faith which imitates the orthodox form reads: "I testify that there is no other God except 'Alī, the son of Abū Ṭālib" (*ib.*, 55). Mohammed was created by 'Alī, *ib.*, 59.

²⁶⁸ Comp. Grätz, X, 439.

²⁶⁹ Comp. Ginzberg in *Jew. Enc.*, III, 461 f. The designation of Metatron as קטן " is ascribed by Kīrkisānī (ed. Harkavy, 300, 9) to the Talmud and used by him as a point of attack against the Rabbanites. On the Mohammedan polemics against this conception see Schreiner, *ZDMG.*, XLII, 598.

is not the Cause of all Causes which is called the infinite (*En-Sof*) and Primal Cause, but it is necessary that there should be a second cause which should have end and limit and should possess a nature comprehensible to human beings.²⁷⁰ Sabbathai himself is said to have signed an epistle to his followers with the words; "I am the Lord your God, Sabbathai Zevi,"²⁷¹ and in a discourse delivered by him after his conversion in the presence of the Sultan he is said to have declared in a manner which is paralleled by similar notions within Islam²⁷² "that God was a beautiful youth bearing resemblance to himself."²⁷³

But a more striking application of the *Tafwīd* doctrine is the belief, enunciated by Jacob Israel Duchan and repudiated even by rabid Sabbathians,²⁷⁴ "that the Holy One, blessed be He, had ascended on high and that Sabbathai Zevi went up in his place to become God"²⁷⁵ or, as it is put more tersely in another source, "that Sabbathai Zevi declared to be God and that the Holy One, blessed be He, withdrew from his world and left the management of the world in his hand."²⁷⁶

²⁷⁰ Grätz, X, 439.

²⁷¹ *Ib.*, 209; 433.

²⁷² Thus the Holy Spirit (or Gabriel), who appears to Mohammed in human form (Koran, 53, 8 ff.), approaches Mary as a perfect man (*ib.*, 19, 17). The Shiitic dogmatist Hishām b. al-Hakam conceived God as a human figure of the most proportionate size, *Shiites*, II, 67. Other parallels—they are hardly more than parallels—are not wanting.

²⁷³ "שהקב"ה הוא נחור אחר מופאר דומה לו" Grätz, *l. c.*, 439. An allusion to it was found in Cant. 2, 9 דומה דודי לצבי (*ib.*).

²⁷⁴ Such as Cardoso, Grätz, *l. c.*, 455.

²⁷⁵ Grätz, 439: "שהקב"ה נסתלק לעיל ושבתי צבי עלה במקומו לאלוה" comp. p. 450: "שהקב"ה נתעלה וש"ן עלה למקומו".

²⁷⁶ *Ib.*, p. 439: "שש"ן אמר על עצמו שהוא אלהים שהקב"ה נתעלה בעולמו" (read *שש"ן אמר על עצמו שהוא אלהים שהקב"ה נתעלה בעולמו*). (read *שש"ן אמר על עצמו שהוא אלהים שהקב"ה נתעלה בעולמו*).

It is impossible to assume that such extravagant teachings should have proceeded from the loins of Judaism, unless we assume some connection, be it open or subterranean, with the polytheistic and pantheistic notions of heterodox Islam, the influence of which we have already been able to discern in many other Jewish heresies.

6. PROPHET AND MESSIAH

The Gnostic doctrine of the successive incarnation of God in the One True Prophet had originally a purely theological character. It assumed a political tendency through the identification of the "Prophet" with the Messiah (the "Christ," the Mahdī, or the Imām) who is expected not only to represent in flesh the spiritual and incomprehensible Divine Being but also to fill the earth with justice and to bring back worldly power to those who have lost it. The Prophet *par excellence*, who represents the periodic manifestations of Divinity, is thus distinguished from and raised above the prophets commonly so-called, who, too, are inspired by God but who are neither charged with a political mission, nor do they as fully and immediately participate in the Divine essence as the Prophet-Messiah.²⁷⁷

This is probably the background of Abū 'Īsa's doctrine that the Messiah is superior to all prophets,²⁷⁸ while, with

²⁷⁷ In one of his expositions (*Some Answered Questions*, 188 f.), 'Abbās Effendi, the head of the Babis, expresses a similar idea by drawing a sharp line of distinction between these two classes of prophets. "The independent prophets are the lawgivers and the founders of a new cycle." "The other prophets are followers and promoters, for they are branches and not independent." The latter are like the moon which borrows its light. The former are like Abraham, Moses, Christ, Mohammed, the Bāb, Bahā'ullāh (comp. above, note 253). The latter are like Solomon, David, Isaiah, Jeremiah, Ezekiel.

²⁷⁸ Above, p. 251.

the lower rating of the prophets, he was able to place the Rabbis on the level of prophecy.²⁷⁹

But more specifically the Hebrew term *nābī'* assumes the meaning of a forerunner or herald of the Messiah, who, probably under the influence of the rôle assigned to the prophet Elijah in Jewish and Christian Messianism,²⁸⁰ predicts and prepares his return. In this restricted sense of a lower grade of divinity and a subordinate political function the term *nābī'*, as contrasted with the title *Mashīʾah*, is occasionally found in the accounts of Jewish sectarians.

Thus David Reubeni in a conversation with a Kadi of Fez who believes in the approaching redemption of the Jews is addressed in the following manner: "The Jews of Fez and vicinity and even the Muhammedans ask what you are: '*a prophet or a Messiah?*'"²⁸¹ In reply Reubeni emphatically denies that he is a prophet and claims to be a military commander and the son of King Solomon.²⁸²

The appearance of Sabbathai Zevi was the signal for an outburst of Messianic frenzy which found expression in a host of Messianic or prophetic pretenders. For, as Jacob Sasportas, the cool-headed witness of these events, expresses it, "the passion of the multitude prevailed upon their imagination and they fancied *the one to be a prophet, the other*

²⁷⁹ Kirk., 311, 25 וְשִׁיר אָמַר אֶלְרַבָּאֲנִין וּפְסָמָהֶם גָּדָא חֲתִי גַעְלָהֶם פִּי שְׂבִיחַ בְּמַרְחֲבָה אֶלְרַבָּאֲנִי "He exalted the station of the Rabbis and respected them highly, so that he placed them on a level similar to that of the prophets."

²⁸⁰ Comp. Ginzberg, *Jewish Encyclopedia*, V, 126 f.; Friedmann, תְּנָא דְבִי אֱלִיהוּ, introduction, p. 21 ff.

²⁸¹ Neubauer, *Medieval Jewish Chronicles*, II, 279: הַיְּהוּדִים אֲשֶׁר כָּפִין וּסְבִיבֹתֶיהָ וְגַם הַיִּשְׁמְעֵאֵלִים הֵם אוֹמְרִים אֵיךְ אַתָּה נְבִיא אוֹ מְשִׁיחַ.

²⁸² *Ibidem*.

to be a Messiah.²⁸³ Nathan of Gaza, the famous impresario of Sabbathai Zevi, was generally designated as "the prophet," i. e. the prophet of the Messiah.²⁸⁴

This peculiar transformation of the term *nabī* may very well have taken place in Judaism without foreign interference. But it is in any event interesting to observe a corresponding development in the meaning of the Mohammedan term *nabī*. Thus 'Abdallah b. Sabā who regarded 'Alī as the Messiah or, according to some authors, even as a divine incarnation,²⁸⁵ calls himself the *prophet* of 'Alī.²⁸⁶ The revolutionary agitator Ishāk the Turk, who appeared in the eighth century in Central Asia,²⁸⁷ is called the *prophet* of Zoroaster who was, as he believed, to return as the Mahdī.²⁸⁸ The famous Ḥallāj who was originally one of the missionaries or "prophets" of the eighth Shiitic Imām 'Alī ar-Riḍā²⁸⁹ was assisted, after he had manifested himself as God, by three *prophets*.²⁹⁰ All the numerous petty sectarians who arose in 'Irāk in the eighth century were prophets in this sense, for they invariably supported the claim of one Mahdī or another.²⁹¹

Instead of *nabī*, we find in the same connection the expression *rasūl* "messenger, apostle," not in the

כי ההמון תאותם הגבירה דמיונם ודמו הוות זה נביא וזה: ציצת נובל²⁸³ ואם יש תקוה לעתיד להיות זה נביא וזה משיח; compare also *qb*: משיח; 56b, and elsewhere.

²⁸⁴ *L. c.*, *qb*, and elsewhere. In the same sense Cardoso (above, p. 256) declared himself a "prophet." Grätz, X, 230.

²⁸⁵ *AbS.*, I, 296 ff.

²⁸⁶ *L. c.*, II, 15, n. 2.

²⁸⁷ Browne, Persia, 313 ff.

²⁸⁸ Nadim, Fihrist, 344. Comp. above, note 180.

²⁸⁹ Browne, Persia, 429.

²⁹⁰ *L. c.*, 431, 6.

²⁹¹ Comp. *AbS.*, II, 15. The examples given there can be multiplied.

sense of *rasūl allāh*, as Mohammed is commonly styled, but rather signifying the *rasūl of the Messiah*.²⁹² In this particular meaning of the term we must understand the notice of Shahrastānī²⁹³ that "Abū 'Īsa maintained that *he was a prophet* and that he was the *messenger (rasūl) of the Messiah the Expected One*."²⁹⁴ He also maintained that the Messiah had five *messengers* who appeared before him, one after the other.²⁹⁵ In a similar sense must be interpreted the "prophecy," claimed by Yūdḡān, the successor of Abū 'Īsa,²⁹⁶ and so must also be taken the words of Bīrūnī²⁹⁷ who informs us that the Jews expected the Messiah to appear in the year 1023, "so that many pseudo-prophets among their sects, such as ar-Rā'ī,²⁹⁸ Abū 'Īsa and others like them, pretended that they were his (i. e. the Messiah's) messengers (in Arabic *rusul*) to them (i. e. their sects)."

7. THE DĀ'Ī

The complicated character of the Messianic idea and the variety of Messianic forerunners, such as the prophet

²⁹² The Pseudo-Messiah of Yemen is called by Maimonides (Kobez, ed. Lichtenberg, II, 26, 4 where the British Museum MSS. differ somewhat) שלוחו של משיח. The same expression *l. c.*, 7a, second column, l. 6 from below. The modern Yemenite Pseudo-Messiah (*Shiitic Elements*, II, 513 f.) is often designated in exactly the same manner, מסעות שלמה, p. 12, comp. 11 and 13.

²⁹³ I, 168.

²⁹⁴ *wa-za'ama* [Abū] 'Īsa *annahu nabīyyun wa-annahu rasūl al-masīh al-muntaḡar*. That Abū 'Īsa claimed no more than prophecy is repeatedly asserted by Kırkısānī (ed. Harkavy), 284, 6, 311, 20; see note 296.

²⁹⁵ *wa-za'ama anna li'l-masīh ḥamsatan min ar-rusul ya'tūna ḡablahu wāḥidan ba'da wāḥidin*. Comp. above, p. 251.

²⁹⁶ Kırk., 284, 14; 312, 16. In another passage, *ZfḡB.*, III, 176 Kırkısānī says: "and others like Abū 'Īsa al-Iṣbahānī who claimed prophecy, and just as Yūdḡān claimed that *he was the Messiah*." Similarly (Hirschfeld, *Arabic Chrestomathy*, 121, 24): "Yūdḡān the Dā'ī and his claim that he is the Messiah." The latter statement contradicts his own words, ed. Harkavy, 312, 16. See later, note 307.

²⁹⁷ 15, 11.

²⁹⁸ Undoubtedly the title of Yūdḡān, see later p. 284 f.

Elijah, the Ephraimitic Messiah, the Antichrist, gave the Messianic impostors, as long as they were content with the subordinate position of a forerunner and did not aspire to the supreme post of the Messiah or Mahdī, a choice of rôles. But a peculiar coloring was given to the idea of the Messianic forerunner through the identification of the latter with the characteristically Persian figure of the Dā'ī, or propagandist, a figure which plays so tremendous a rôle in all the Mahdistic movements of Islam. No one who has studied the history of early Islam can, to quote but one example, withhold his admiration from the wonderful spirit of organization and discipline which characterizes the *da'wa* (propaganda) of the 'Abbasides and from the many Dā'īs representing it who often suffered death and torture in executing their mission. This type of Dā'ī has survived down to the present day in the missionaries of the Babis of whom such an authoritative student of Babism as Professor Edward G. Browne speaks in terms of profound respect and admiration.²⁹⁹

For our present purpose it is necessary to call special attention to the *political* significance of the Dā'ī which was exceedingly great. The head of the 'Abbaside propaganda Abū Muslim wielded such tremendous influence that it excited the jealousy of his sovereign and resulted in his assassination. Abū Muslim's influence became even more evident after his death when he was regarded as a divine incarnation by his adherents and when the desire to revenge him led to dangerous insurrections against the Caliphate. In the Karmatian propaganda the Chief Dā'īs, though ostensibly working in the interest of some Mahdī, were little

²⁹⁹ A Year amongst the Persians, 210 f., *JRAS.*, XXI, 497; Persia, 236, 395, 410 ff. Comp. also van Vloten, 48, Blochet *Le Messianisme dans l'hétérodoxie Musulmane*, 16.

less than the Mahdī himself and the title *Manṣūr* borne by them³⁰⁰ had a distinct Messianic connotation.³⁰¹ Some of the *Dā'īs* were even looked upon as Divine incarnations.³⁰² No wonder then if so many who began as *Dā'īs* soon realized their superiority over the Mahdīs for whom they worked and often set themselves up as such.

Perhaps these peculiar notions and conditions are reflected in the report of Shahrastānī about Abū 'Īsa and Yūdḡān. Both made their appearance in a land and in an age in which the *Dā'ī* was a familiar and at the same time a prominent figure wielding great political power. If we are to believe Shahrastānī,³⁰³ Abū 'Īsa, realizing his mission, went to the distant Banū Mūsa behind the "sand river"³⁰⁴ to

³⁰⁰ *Shiites*, II, 109, 27.

³⁰¹ *Ibidem*, note 2. Compare also *AbS.*, II, 30, n. 4.

³⁰² *Shiites*, I, 68 and footnotes. "Every human being, after having succeeded in reaching the degree of a Missionary, is able to raise himself to the rank of the Preexistent (the Mahdī) and to substitute him," Blochet, *l. c.*, 60.

³⁰³ I, 168.

³⁰⁴ The "sand river" is the Sambation, compare my remarks in *JQR*, New Series, I, 256. The liberation of the Lost Tribes was considered an integral part of the Messianic redemption and the Messianic candidates had to live up to it. For this reason the Pseudo-Messiahs are often brought in connection with the Lost Tribes, particularly with the *Benē Mōshe* and the Sambation. The Messianic enthusiast Abraham Abulafia (d. ca. 1291) claimed, like Abū 'Īsa, to have penetrated to the Sambation (Grätz, VII, 192). David Reubeni's pretensions hinge on his connection with the Lost Tribes and the *Benē Mōshe* (Grätz, IX, 229). Among those who denied that Sabbathai Zevi was dead, there were many who maintained that he was hidden among the *Benē Mōshe* (מעשה טוביה, VI, 3, compare above, note 53). He was generally expected to proceed to the *Benē Mōshe* living on the Sambation and to marry the daughter of Moses, קצור ציצת נובל, 4a, 37a, comp. Grätz, X, 198 and 457. The modern Yemenite Pseudo-Messiah was expected to attack Ṣan'ā with an army consisting of Gadites and Reubenites, אבן ספיר, II, 151; אגרת תימן, השנייה, 37. Compare the utterances of this prophet with reference to the ten Tribes and the *Benē Mōshe*, אגרת, p. 6.—Undoubtedly under the influence of these Messianic conceptions a Mohammedan Pseudo-Messiah in Yemen is

preach to them after the manner of the Persian Dā'ī is the word of the Lord. He regarded himself, at least in the beginning, merely as a forerunner of the Messiah, but he thought none the less highly of the dignity of his station. "And he maintained that the Messiah is the most excellent of the children of Adam and that he is superior in station to all the prophets that have gone by, and that he (himself) as his messenger was also the most excellent of all. He demanded faith in the Messiah *and he magnified the propaganda of the Dā'ī, maintaining that the Dā'ī, too, is the Messiah.*"³⁰⁵

In a similar manner Shahrastānī³⁰⁶ relates of Yūdḡān, who in all probability looked upon himself merely as the Dā'ī of Abū 'Īsa,³⁰⁷ in as much as the latter was believed to be alive,³⁰⁸ and was expected to return as the Messiah, that "among the things which are reported of him was the fact that he magnified the office of the Dā'ī."³⁰⁹

Shahrastānī's remarks are none too lucid and perhaps they ought not to be pressed too strongly. But if they are

brought in connection with the Banū Mūsa, Ibn al-Athīr, *Chronicon*, ed. Tornberg, VIII, 22.

³⁰⁵ *wa-za'ama anna'd-dā'iya aīdan huwa'l-masiḥu* (Shahr., I, 168, 13 ff., comp. also line 10). MS. British Museum Add. 7250 puts more correctly *aīdan* after *wa-za'ama*, so that the meaning is: "he *also* maintained that the Dā'ī was the Messiah."

³⁰⁶ 168, *id.*

³⁰⁷ That he did not consider himself the Messiah is clear from Kīrkīsānī's words (281, 13): "It is said that he (Yūdḡān) was a disciple of Abū 'Īsa Obadiah and also claimed prophecy. *His pupils* (variant: adherents), *however, maintain that he was the Messiah.*" The same is repeated 312, 16. The contradictory statement (above, note 296) can scarcely be correct.

³⁰⁸ Above, note 33.

³⁰⁹ Shahr. *wa-fīmā nuḡila 'anhu ta'gīm amr ad-dā'ī*. Yūdḡān is designated by Kīrkīsānī as Dā'ī, above, note 296. This then need not be a misspelling for Rā'ī, see later, p. 285.

to convey any meaning, they can only be understood in the light of the Persian Shiitic propaganda.

8. SUCCESSION

In the course of the above expositions mention has already been made³¹⁰ of the contrast, based upon the conception of Raj'a and Docetism, between the Wāḳifiyya and Kittī'iyya, a contrast which invariably reveals itself after the death of a Mahdī. Two examples will suffice to illustrate the practical issue involved in this contrast. When Mūsa, the son of the sixth Shiitic Imām Ja'far as-Sādiq, died (about 800), there were many who doubted or denied that he was dead and who expected his return as the Mahdī. They were called *Wāḳifiyya* "the doubtful ones." Others, however, termed *Kittī'iyya* "the assertive ones," among them some of his intimate associates, transferred the dignity of Imām and Mahdī to his son 'Alī b. Mūsa.³¹¹ Again after the death of the eleventh Shiitic Imām al-Ḥasan al-'Askarī (d. 873), there were people, termed *Wāḳifiyya*, who doubted or denied the reality of his death and awaited his return as the Expected Mahdī.³¹² Others, however, styled *Kittī'iyya*, asserted that he was actually dead and accordingly transferred the Messianic claim to his baby son Mohammed b. al-Ḥasan,³¹³ the twelfth and last Imām and the acknowledged Expected One of present day Shiites, who are for this reason, in addition to their appellations as *Ithnā'ashariyya* (Twelvers) and Imāmiyya, also designated as *Kittī'iyya*.³¹⁴

³¹⁰ *Shiitic Elements*, II, 485.

³¹¹ *Comp. Shiites*, II, 51.

³¹² *Ib.*, 52.

³¹³ *Shiitic Elements*, II, 495 f.

³¹⁴ *Shiites*, II, 52, 15 ff.

An exact analogy to this theory, and practice of Messianic succession is afforded by the history of the Sabbathian movement. When Sabbathai Zevi died, there were many Jewish Wāḳifiyya who doubted his death and, believing him to be hidden, continued to regard him as the Messiah and to expect his return.³¹⁵ They were, and still are, called the Izmiris, after Izmir (= Smyrna), the home-town of Sabbathai.³¹⁶ There were others, however, who, after the manner of the Kiṭṭī'iyya, asserted the reality of Sabbathai's death and accordingly transferred the Messianic dignity to Jacob, or Ya'qūb, Querido. They were called the Yakublis.³¹⁷ This does not preclude that when Querido died they, in turn, like their Mohammedan counterparts, denied his death and believed him to be hidden.³¹⁸

It is clear that the Wāḳifiyya, those who deny the Messiah's death and believe in his concealment and return, cannot consistently appoint a permanent successor to one who is but temporarily absent. They do however need and are consequently forced to appoint a temporary leader to take charge of the affairs of the faithful, pending the Messiah's appearance, in other words, a vice-gerent, a *Khalīfa*.³¹⁹ Thus when the famous Messiah of the Keisāniyya sect Mohammed b. al-Ḥanafīyya disappeared, his political agent Mukhtār, whose insurrection shook the

³¹⁵ Above, note 53 and elsewhere.

³¹⁶ *Shiitic Elements*, II, 494.

³¹⁷ *Ibidem*.

³¹⁸ *Ib.* 498.

³¹⁹ In a measure this idea is implied in the title *Khalīfa* (Caliph), the vice-gerent of Mohammed, comp. Wellhausen, *Das arabische Reich*, 22 f.

young Caliphate in its foundation,³²⁰ proclaimed himself his *Khalīfa*.³²¹ The notorious Shiitic sectarian Abū 'l-Khaṭṭāb denied the death of the Imām Ja'far aṣ-Ṣādik and, pending his return, assumed the title and the functions of a *Khalīfa*.³²² A somewhat similar example is afforded by the history of modern Babism. The Bāb manifested himself in 1844,³²³ but he insisted that his manifestation was not final and was to be followed by that of a Greater One, whose advent he indefatigably proclaimed. Before his death, he appointed Ṣubḥ-i-Ezel as the *Khalīfa*, the vice-gerent, of the new community, pending the appearance of the new manifestation.³²⁴ In 1866 Bahā'ullāh, one of the disciples of the Bāb and a half-brother of Ṣubḥ-i-Ezel, revealed himself as the "Greater One" predicted by his master. A split immediately followed. The Babis were divided into two camps: the Bahais who acknowledged Bahā'ullāh as the Mahdī,—they now form the bulk of the sect,—and the Ezelis who denied that the Mahdī had appeared and who therefore continued to look upon Ṣubḥ-i-Ezel as the vice-gerent of the community.³²⁵ The strife between the followers of the two brothers became so intense that the Turkish Government was forced to separate them, the Ezelis being

³²⁰ *Shiitic Elements*, II, 487.

³²¹ *Abs.*, II, 15.

³²² *Ibidem*. Similarly the Shiitic pseudo-prophet Abū Maṣṣūr (see note 353) claimed to be the *Khalīfa* of Mohammed al-Bākir, the father of Ja'far aṣ-Ṣādik, Baḡdādī, 234, 12. The successors of Faḍl-allāh al-Ḥurūfī, who was believed to be hidden, are also designated as *Khalīfas*, *JRAS.*, 1907, 536, 540.

³²³ Above, note 173.

³²⁴ Browne in *JRAS.*, XXI, 505, 513; *Tarikh*, XVIII; Andreas, *Die Babis*, 48.

³²⁵ In 1908 Subḥ-i-Ezel was still living in Famagusta on the island of Cyprus, with a few followers, Browne in Hastings' *Encyclopedia of Religion and Ethics*, II, 303a.

removed to Cyprus and the Bahais to Acco, where their present head continued to reside till a short time ago.³²⁶

Such or similar speculations will probably have to be drawn upon to explain the succession of the Messianic claim from Abū 'Īsa to Yūdḡān, although the paucity of our material can justify nothing beyond vague conjectures. Abū 'Īsa, in this the sources unanimously agree, considered himself merely the precursor, or the Dā'ī, of the Messiah, which fact however did not prevent his followers from regarding him as the Messiah himself. When he died, a split was inevitable. There were those who, like the Wākifiyya, denied the reality of his death and, believing him to be hidden, expected his return.³²⁷ They were called the 'Īsawiyya.³²⁸ Among them was his disciple Yūdḡān who, assuming temporary charge over the faithful, declared to be his "prophet" or *Khalīfa*.³²⁹ There were others, however, who, like the Kitti'iyya, insisted that Abū 'Īsa was dead. They therefore regarded Yūdḡān as the Messiah and, when he died, they expected his own return. They were called the Yūdḡāniyya.³³⁰ Curiously enough, as in the case of the Babis, though the analogy is of course a mere coincidence, a migration and a geographical separation appears to have taken place. For it seems that the 'Īsawiyya, those who continued to expect Abū 'Īsa's return, left Ispahan and migrated to Damascus, where Kırķisānī, two centuries later, still found remnants of them to the number of twenty or

³²⁶ Browne, *ibidem*, and elsewhere.

³²⁷ Above, note 33.

³²⁸ Or 'Īsāniyya (Ibn Ḥazm and Kırķisānī), also Işfahaniyya, comp. *Shi'itic Elements*, 203, n. 73.

³²⁹ Comp. above, p. 261 and 264.

³³⁰ Kırķ., 312, 16.

thirty souls,³³¹ while the Yūdḡāniyya seem to have remained in their old home.³³²

The careful reader may have observed that the examples derived from the history of Babism are not perfectly analogous to the other instances quoted, in as much as in Babism the belief in Docetism and in the concealment of the Maḥdī seems to be entirely eliminated. The reason for this lies in the fact that the Raj'a doctrine which regulates the succession in other Shiitic sects, though adopted and emphatically preached by the Babis, is interpreted by them in a sense in which the original meaning is so thoroughly transformed that it closely approaches the doctrine of reincarnation and transmigration which officially they violently oppose.³³³ The comparatively recent change in the leader-

³³¹ Kīrk., 284, 11: **וּבְדַמֶּשֶׂק גִּמְאָעָה מִן אַצְחָאבָה יַעֲרֹפּוּן בְּאַלְעִיסוֹנִיָּה** "In Damascus there are a number of his (Abū 'Īsa's) adherents, known as the 'Īsūniyya (var.: 'Īsawīyya)"; 317, 5 **וְאִמָּא אַצְחָאב אַבִּי עִיסִי אֶלְאַצְפָּהָנִי** "As for the adherents of Abū 'Īsa al-Īsfahānī, those who have remained in Damascus alone are about twenty souls"; MS. British Museum Or. 2524, fol. 34a: **חֲתִי לֹם יִבֵּק מִנְהֶם אֶלָּא שְׂבִיָּה בְּעֶשְׂרִין אוֹ הֶלְאֲתִין נַפְסָא בְּדַמֶּשֶׂק וְלַעֲל מִנְהֶם בְּאַצְפָּהָן קוּמָא** "so that no one was left of them, except about twenty or thirty souls in Damascus. Perhaps a few of them can also be found in Ispahan." The latter statement in all probability refers to the Yūdḡāniyya as a subdivision of the 'Īsawīyya (see next note). It is natural to assume that, when Abū 'Īsa had been defeated and killed, his adherents, at least some of them, fled to Syria. That there were relations between Syria and Persia is shown by such names of Persian-Jewish sectarians as Ba'lbekki and Ramli.

³³² Kīrk., 317, 6: **וְאִמָּא אֶלְיֻדְגָּאנִיָּה פִּמְנָהֶם נַפְר יִסִּיר בְּאַצְפָּהָן** "As for the Yūdḡāniyya, a few persons of them are still to be found in Ispahan." This is probably the reason why the 'Īsawīyya are not designated as Īsfahāniyya by Kīrkisānī. The 'Īsawīyya evidently expected the manifestation of their prophet to take place in Damascus.

³³³ Browne, *Tarikh*, 335 ff., 357, and elsewhere. See also the expositions

ship of the sect affords a striking example of this transformation.

The Bāb was unselfish enough to insist that he was to be followed by a Greater One to Come. Buhā'ullāh revealed himself, and was accepted as such, by the Babīs. Before his death, Bahā'ullāh appointed his eldest son 'Abbās Effendi to be his successor.³³⁴ 'Abbās who, to judge by the utterances and actions reported of him, strikes one as a personality of acute intelligence and commanding power advances no other claim beyond that of carrying out the mission of his father whom he regards as a divine manifestation and whom already in his life-time he used to address as Lord (= God).³³⁵ He is content to style as well as to consider himself 'Abd al-Bahā "the *servant* of Bahā ('ullāh)."³³⁶ This, however, does not prevent his followers from looking upon him in a less humble light. For there is no doubt that, in their eyes, he is gradually moving into the place, formerly occupied by his father, as an incarnation of Divinity. His sister, in relating his biography to an American lady is anxious to report of him the same miraculous characteristics as of his father.³³⁷ His daughters address him in the family circle sometimes as Father, sometimes as Lord, for "they recognize in him the ideal blending of attributes human and divine,"³³⁸ and his adherents already

of 'Abbās Effendi on the subject in *Some Answered Questions*, 318 ff. In the same way the Imāmiyya accept the Raj'a doctrine but emphatically reject the transmigration of souls, *Shiites*, II, 26 f. Comp. above, note 220.

³³⁴ Browne in Hastings' *Encyclopedia*, II, 304a. On the strife of 'Abbās Effendi with his brother, which even spread to America, see *ibidem*.

³³⁵ Hammond, *The Splendor of God*, 41. On other Divine appellations of Bahā'ullāh see Browne in Hastings' *Encyclopedia*, II, 306a.

³³⁶ Comp. Goldziher, *Vorlesungen*, 302, and others.

³³⁷ See later, note 374.

³³⁸ Hammond, *l. c.*, 46.

in his life-time raise him above the level of his father by maintaining that he was appointed by the latter "to inaugurate another larger presentation of the principle of Universal Peace and of the Divine Unity which the Bāb and Bahā'ullāh had preached and prayed for."³³⁹ "He inspires them so completely with that immanence that they are impelled to imitate him *in accepting the dictates of that divine being*,"³⁴⁰ and his American believers openly declare that he is a reincarnation of Jesus Christ.³⁴¹

We have expatiated on all these facts, because once more they find an analogy in the history of Sabbathianism. After Sabbathai's death the Sabbathians transferred their allegiance to Jacob Querido whom they now regarded as the true redeemer and as the full incarnation of the soul of the Messiah, apparently implying thereby that Sabbathai had been but an incomplete and preliminary manifestation of it.³⁴² When Querido died, the leadership of the sect was transferred to his son Berechiah who was in turn regarded as a divine incarnation and was worshiped in prayer by the Sabbathians.³⁴³

9. ANOINTMENT

It would be a futile task to attempt to penetrate into the dark recesses of the pseudo-Messianic consciousness which rather belongs to the domain of psychology or pathology. On the whole it will be found that the Messianic pretenders are more modest in their claim than their followers, and while the leader is satisfied to be the fore-

³³⁹ *Ibidem*.

³⁴⁰ *L. c.*, 43.

³⁴¹ Browne, *Persia*, 311. Goldziher in *Orientalische Religionen*, 128.

³⁴² Grätz, X, 305: 459 והאמינו שהוא משיח אמת.

³⁴³ *L. c.*, 306. See above, p. 252.

runner of the Messiah, the believers insist that he is the Messiah himself. Often, indeed, the pretender himself is in doubt as to the exact nature of his claim, which will be found to increase with the increase of his influence. It will hardly be possible to throw light into this dark domain and I have touched on the subject merely to show that this uncertainty of Messianic pretensions has colored the reports about our much quoted sectarian Abū 'Īsa.

The few existing data clearly suggest that he claimed to be a precursor or a messenger of the Messiah.³⁴⁴ At the same time, as Shahrastānī³⁴⁵ informs us, he maintained, or was said to maintain, that "God had spoken to him and had charged him to deliver the children of Israel from the ungodly nations and wicked rulers," and, as a result of this charge, he headed an armed uprising, a fact which is attested both by Kīrkīsānī and Shahrastānī.³⁴⁶ It is not far-fetched to assume with Graetz³⁴⁷ that, not being of Davidic stock,—a condition indispensable for a Messianic candidacy,—he contented himself with the rôle of the Ephraimitic Messiah,³⁴⁸ while his Jewish opponents, if we are to trust Maḳrīzī,³⁴⁹ looked upon him after his defeat as the Anti-

³⁴⁴ Above, p. 268.

³⁴⁵ I, 168, 12.

³⁴⁶ To these Maimonides might be added, *Shi'it Elements*, I, 206, n. 88. See, however, note 348.

³⁴⁷ V, 462.

³⁴⁸ Speaking of the Pseudo-Messiah of Ispahan, Maimonides maintains that he considered himself the Messiah (*Iggeret Teman*, in Kobez, II, 7a, second column, l. 1, (ואמר שהוא משיח). In the Arabic original Maimonides still more clearly emphasizes the fact that he was of Davidic origin. It can, however, be shown that Maimonides in this part of his account confused Abū 'Īsa with David Alroy, a confusion which has been taken over from Maimonides by Grätz.

³⁴⁹ See note 351.

christ, whose manifestation would take place in Ispahan.³⁵⁰ Be this as it may, the following notice preserved by Maḡrīzī seems to point to some such Messianic conception. "The Iṣbahāniyya," says Maḡrīzī³⁵¹ "are the adherents of Abū 'Īsa al-Iṣbahānī. He laid claim to prophecy and (he maintained) that he was lifted up to heaven, *fa-masaḥa ar-rabb 'alā ra'sihi* and that the Lord patted him on his head, also that he beheld Muhammed and believed in him. The Jews of Ispahan maintain that he is the Dajjāl (the Anti-christ) and that he will come forth from their region."

Curiously enough the identical story of a heavenly visit is reported of the Pseudo-Messiah Abū Maṣṣūr of Kufa, a younger contemporary of Abū 'Īsa.³⁵² Abū Maṣṣūr, who originally considered himself the "prophet" of the fifth Shiitic Imām Mohammed al-Bāḡir (d. 735), but after his death advanced his own candidacy as the Mahdī,³⁵³ maintained that "he was lifted up to heaven and beheld the object of his worship (i. e. God) who patted his head with his hand³⁵⁴ and said to him; 'My child, descend and bring a message from Me.'"³⁵⁵

³⁵⁰ That the Dajjāl (Antichrist) would proceed from Ispahan was also believed by Mohammedans, Bīrūnī, 211, Ibn Faḡīh, ed. de Goeje, 299, Muḡaddasī, 399. Schreiner (*ZDMG.*, XLII, 596) suggests that this belief arose from the fact that Ispahan was supposed to have been founded by Jews. From Muḡaddasī, *l. c.*, it would seem, however, that Ispahan was connected with the Antichrist because of its violent opposition to 'Alī. Another widespread conception locates the Antichrist at Lydda, Bīrūnī, *ibidem*, and many others.

³⁵¹ *Hiṭaṭ*, ed. Cairo, IV, 372.

³⁵² See *Shiites*, I, 62 and the sources quoted *ib.*, II, 89, 14 f.

³⁵³ *Ib.*, II, 95, 32. Comp. above, note 322.

³⁵⁴ Ibn Ḥazm, *Mīlāl*, IV, 185 (= *Shiites*, I, 62, 7) *masaḥa ra'sahu biyadihi*, Shahr. 136 *fa-masaḥa bi-yadihi ra'sahu*, Baḡdādī 215, 1 and 234, 13 *masaḥa yadahu* (or *bi-yadihi*) 'alā ra'sihi.

³⁵⁵ Alluding to Koran 5, 71.

Of course, both in the case of Abū 'Īsa and Abū Mansūr the story was suggested by the *mi'rāj*, the "heavenly journey" of Mohammed, alluded to in the Koran.³⁵⁶ But apart from the desire of using Mohammed as a pattern, another tendency was undoubtedly in operation. In the case of Abū Manṣūr the motive seems clear: the story is to convey Abū Manṣūr's familiarity with the Almighty who, according to one source, even condescended to address our heresiarch in Persian, his native idiom.³⁵⁷ I have, however, the feeling that in the case of Abū 'Īsa some more solid claim is involved. *Masaḥa* in Arabic means generally "to touch, to rub, to pat,"³⁵⁸ but it also signifies "to anoint" and the national lexicographers explain properly the term *al-masīḥ* "Messiah" as *mamsūḥ bi'd-duhn* "anointed with oil."³⁵⁹ In the history of the Jewish Pseudo-Messiahs we often find that they insist on having been miraculously anointed and in this way fitted for their Messianic task.³⁶⁰

³⁵⁶ Sura 17, 1. According to Blochet in *Revue de l'histoire des religions*, XL (1899), p. 19 ff., the legend is of Persian origin. Mānī as well as Bihāfarīd claimed to have similarly ascended to heaven, Bīrūnī, 209 and 211.

³⁵⁷ *Shiites*, II, 90, 22.

³⁵⁸ In the sense "to touch" the Hebrew מִשַׁח is used by Hisdai Crescas in his *Or Adonai* (ed. Vienna), p. 48b, כְּשִׁיקְרָב אֵלָיו וּמִשַׁחוֹ וַיִּשֶׁיג בְּמָקוֹם הַמְּשֻׁשׁ. It is undoubtedly an Arabism.

³⁵⁹ *Lisān al-'arab*, s. 7.

³⁶⁰ Already Justin Martyr (second century) in his *Dialogus cum Tryphone* (ch. viii) reports it as generally accepted that "Christ... has no power, until Elias come to anoint him," comp. Klausner, *Die messianischen Vorstellungen*, 62, n. 2. From the later history of Jewish Messianism the following examples, which no doubt can be considerably multiplied, present themselves. The Messianic enthusiast Abraham Abulafia (d. ca. 1291) pretended that, when in ecstasy, "he felt as if his whole body from head to foot had been anointed with anointing oil" (Bernfeld, *רֵעַת אֱלֹהִים*, p. 381). The Pseudo-Messiah Moses Botarel (about 1409) claimed that the prophet Elijah anointed him with holy oil, Grätz, VIII, 98, and *MGWJ.*, 1879, p. 80. Joseph Caro claims of Solomon Molcho *רֵאשִׁית מִשַׁח מִמֶּשַׁח רַבּוֹת עֵלֶיָּהּ* (Grätz, IX, 545). See also the curious picture representing the anointment of Sabbathai Zevi, *Jew. Enc.*, XI, 222.

It is therefore to be assumed that the words *fa-masaḥa 'alā ra'sihi* originally³⁶¹ meant to convey that God had poured holy oil on his head and by consecrating him as the *Mashīḥ*, "the Anointed one," empowered him to become the redeemer of Israel.³⁶²

10. INSPIRATION

Prophecy, in accordance with the Gnostic theory, is the incarnation of the Divine essence in man. Hence the knowledge possessed by the prophet must be supernatural and free from human admixture. The Shiites have drawn the full consequences of this conception. The Imāms, as the incarnation of Divinity, are credited with the knowledge of "what is within the borders of the seven earths below and what is in the seven heavens above and what is on land and on sea,"³⁶³ and this knowledge is immediately derived from a Divine source, not conveyed by any human means of information or instruction. A Shiitic theologian gives the following explanation of the omniscience of the Imāms: "Their source is either a tradition which every one of them has received from his father, the latter from his own father and so on up to the Prophet, or it is Revelation and Inspiration. For this reason it has never been recorded of any of them that he has ever gone to a teacher, or studied under a master, or asked any questions."³⁶⁴

³⁶¹ Although subsequently *masaḥa* may have been taken by the Arabic authors, who reproduce Abū 'Īsā's story, in its ordinary meaning "to touch" or "to pat." This meets the objection of Baron Rosen, *Ḳirḳisānī* (ed. Harkavy), Introduction, p. 265, n. 3.

³⁶² Already suggested by Harkavy, *ibidem*, and לקורות הכתות בישראל, p. 10.

³⁶³ *Shiites*, II, 105.

³⁶⁴ *L. c.*, 55.

It is in consequence of this conception which regards inspiration as the only true source of knowledge and is therefore bound to mistrust all knowledge transmitted through a human medium that Mohammed proudly designates himself as *nabī ummī* "an illiterate prophet"³⁶⁵ and otherwise boasts of his ignorance. Whether Mohammed was able to read and write is a mooted point often discussed by scholars,³⁶⁶ though it is a well-established dogma of Islam. But that he was sorely ignorant is admitted by all and this ignorance, instead of proving a drawback, was of effective assistance in establishing his claim as a prophet.

In modern Babism the same claim of ignorance is repeated with almost nauseating persistence. The missionaries and theologians of Babism are indefatigable in pointing out that the Bāb was *ummī* "illiterate,"³⁶⁷ that he was "an unlettered youth,"³⁶⁸ "not trained in the learning of the schools,"³⁶⁹ "untaught in the learning of men,"³⁷⁰ "that he had never studied in any school and had not acquired knowledge from any teacher."³⁷¹ The same claim is urged by 'Abbās Effendi in favor of his father Bahā'ullāh, the successor of the Bāb. "It is also evident that he has never studied or acquired this learning."³⁷² "Bahā'ullāh had never studied Arabic; he had not had a tutor or teacher nor had he entered a school."³⁷³ From the same motive the admirers

³⁶⁵ Koran 7, 156; comp. also 29, 47. *Ummī* (from *umma* "nation") shows exactly the same development in meaning as '11.

³⁶⁶ See the material collected by Pautz in his *Muhammed's Lehre von der Offenbarung*, Leipzig 1898, p. 257 f.

³⁶⁷ Browne, *Tarikh*, 343.

³⁶⁸ *Idem* in *JRAS.*, XXI 903.

³⁶⁹ *Ibidem*, p. 884.

³⁷⁰ *Tarikh*, 31.

³⁷¹ *Some Answered Questions*, 30.

³⁷² *L. c.*, 34.

³⁷³ *L. c.*, 41.

of 'Abbās Effendi, the present head of the Bahais, make much of the fact that he had never applied himself to study and that "he had never been a day in a school."³⁷⁴

Of course, all this parading of the ignorance of the prophets is nothing but a foil for the glory and the truth of the writings revealed through them. Mohammed's claim of illiteracy has no other purpose than that of enhancing the uniqueness of his literary achievement. The Koran is the only miracle of which Mohammed professes to be capable. Every Koran verse is an *āya*, a sign or a miracle, and the inimitability of the Koran, not only as regards its contents but also as regards its Arabic diction, is constantly appealed to by Mohammed, and so it is by the Mohammedans down to the present day, as the principal argument for its divine origin.³⁷⁵

In heterodox Islam which rejects the finality of Mohammed's message the inimitable character of the Koran is, in consequence, repudiated. But the production of new revealed writings, which, in turn, pretend to be inimitable and which, in accordance with the anti-Arabic tendency of heterodox Islam, are not confined to the Arabic language, has remained the principal proof which the prophetic pretenders employ to substantiate their claim..

Thus Sālīḥ, the prophet of the Berber tribe Baraḡwāta in the extreme North-West of Africa, composed in the eighth century, in furtherance of his prophetic pretensions, a new Koran consisting of eighty sūras in the Berber language.³⁷⁶

³⁷⁴ Phelps, *Life and Teachings of 'Abbās Effendi*, p. 25 (in the name of 'Abbas' sister).

³⁷⁵ Comp. Schreiner in *ZDMG.*, XLII, 663 ff.

³⁷⁶ *Shiites*, II, 49.

Fadl-ullāh, the founder of the Ḥurūfī sect, (d. 1393),³⁷⁷ composed the *Jawīdān*, a new Persian Koran, in which, as the Ḥurūfīs believe, the Koran as well as the previous revelations find their explanation and fulfilment.³⁷⁸

The greatest possible emphasis is laid on this fact in Babism. The principal argument which the Babis advance to prove the inspired character of Bāb's message is the sacred *Bayān* revealed through him.³⁷⁹ They triumphantly point to the fact that while, during the 1260 years which had elapsed since the revelation of the Koran, "none, however skilled in rhetoric and eloquence, had presumed even to make this attempt," an unlettered youth should suddenly have revealed these verses which were "incomparably superior to the Koran in point of eloquence and beauty so that it was impossible to take exception to them or deny them."³⁸⁰ When after the manifestation of Bahā'ullāh in 1866 the Babis split into two sections, both by the Bahais who acknowledged his claim and the Ēzelis who rejected it "utmost stress was laid upon the verses (*āyāt*) being the essential sign and proof of a prophet and that the *Lawḥ-i-Nasīr* in which Bahā announced his prophetic mission, and other writings of his, fulfilled the conditions which constituted 'verses,' among them 'knowledge unacquired by study.'³⁸¹

We are now sufficiently prepared to comprehend the full significance of the statement of Kīrkīsānī regarding Abū 'Īsa: "His miracle of legitimation in the eyes of his

³⁷⁷ Above, p. 249 f.

³⁷⁸ *Textes persans relatifs à la secte des Houroufis*, xvii.

³⁷⁹ The *Bayān* exists in three recensions, two in Arabic and one in Persian, Andreas, *Die Babis*, 40.

³⁸⁰ *Tarikh*, 41. Comp. also *JRAS.*, XXI, 917 and 925; Some Answered Questions, p. 27.

³⁸¹ Browne, *A Year amongst the Persians*, 515.

adherents consisted in the fact that, although, as they assert, he was by profession a tailor and, according to their assertion, *was ummī, illiterate, and not able to write or to read, he brought forth books and writings, without anyone having instructed him.*³⁸² The same statement Kīrkisānī repeats in a later passage:³⁸³ "We have already related in what has preceded that Abū 'Īsa claimed prophecy and that his miracle of legitimation in the eyes of his adherents consisted in the fact that he was *ummī*, illiterate, without being able to write or to read and then brought forth books and writings and that this was only possible by means of prophecy." In the special chapter which the same author³⁸⁴ devotes to the refutation of Abū 'Īsa's doctrine he reverts to the same claim which he cleverly endeavors to invalidate. "As to the miracle which they claim in that he had been *ummī*, illiterate, and then brought forth books and writings,—even if the matter had been as they mention, even then it might be possible that he (Abū 'Īsa) had applied himself to it from the beginning of his cause and its very start and that he had (merely) simulated ignorance and illiteracy, in order to facilitate what he had in his mind."

The same claim of ignorance meets us in later times in heterodox Jewish circles.

³⁸² Kīrk., 284, 9: אנה כאן רגלא כיאמא וכאן פימא יועמו אמוא לא יכתב ולא יקרא פאטער כתבא ומצאחפא (sic) מן גיר אן יעלמה אחר. This was misunderstood by Grätz, V, 173 f., who represents Abū 'Īsa as being well-versed in Bible and Talmud and gifted with literary ability. Nor has Eppenstein, *ibidem*, 173, n. 3, who points out Grätz's mistake, grasped the underlying conception of Kīrkisānī's notice.

³⁸³ *Ib.*, 311, 20 ff.

³⁸⁴ MS. British Museum Or. 2524, fol. 34a.

The pseudo-prophet who appeared in the thirteenth century in the large community of Avila in Old Castille³⁸⁵ was credited with the same transformation. His admirers piously related "that he was ignorant from his childhood and was neither able to read or to write. An angel who used to appear to him in sleep, sometimes also in waking, endowed him with the faculty of composing a voluminous work, full of mystical content, under the title "Wonders of Wisdom" and a bulky commentary in addition to it."³⁸⁶ This fact created a tremendous sensation among his contemporaries.³⁸⁷

The pseudo-Messiah Moses Botarel, who appeared in Spain in the beginning of the fifteenth century, similarly laid claim to ignorance.³⁸⁸

It is probably from the same motive that Jacob Frank constantly harps on the fact that he is an ignoramus.³⁸⁹

The Messiah who appeared in Yemen in 1868 was, like his predecessor at the time of Maimonides, an ignorant fellow. But it is characteristic of the influence of the environment that he nevertheless considered it his duty to compose "verses" which strongly remind one of the old Arabic semi-prophetic rhyme-prose (the so-called *saj'*) and which his opponent the traveler Jacob Saphir very cleverly ridicules.³⁹⁰

³⁸⁵ Grätz, VII, 196 f.

³⁸⁶ *Ibidem*.

³⁸⁷ *Ibidem*, 197.

³⁸⁸ Grätz in *MGHJ.*, 1879, p. 80: At the age of twenty-five he did not know Hebrew, till Elijah suddenly illumined him.

³⁸⁹ פראנק ועתו, 33, 179, 232.

³⁹⁰ וכמוהם כל דברי המכתב הזה לא ריה ולא: 56; 34, p. 34; 56: אגרת חיומן השנית. טעם. ולא יופי ולא נועם. ובהולם פעם. ברק ורעם.

II. SOCIAL POSITION

As in all revolutionary upheavals, so in sectarian movements the first to respond are usually the lower classes, those that have nothing to lose and much to gain from the overthrow of the existing order of things. Shiism, being Messianic, was revolutionary in character. When transferred to Persia, it became the organized protest of the Persian nation not only against the political dominion of the Arabic conquerors but also against the religion represented by them.³⁹¹ While, however, the higher Persian classes, in the expectation of political and financial benefits, hastened to make their peace with the new masters,³⁹² the adherents of Shiism mainly recruited themselves from the lower classes which expected their salvation from the political and social revolution preached and prepared by Shiism.

This social contrast manifested itself very early in the great Shiitic uprising of Mukhtār who pretended to act on behalf of the expected Mahdī Ibn al-Ḥanafiyya.³⁹³ Mukhtār's main support came from the *Mawālī*, the emancipated slaves of Persian origin in Kufa. Their social position may be gauged from the fact that, not being able to afford regular arms, they had to content themselves with clubs and were for this reason nicknamed *Khashabiyya* "men of wood."³⁹⁴

This condition becomes even more evident when we call to our mind the professions of some of the Shiitic sectarians which, in accordance with oriental usage, are often indicated in their names. Thus we find among the Shiitic

³⁹¹ Comp. *Shiites*, Introduction, I, 2.

³⁹² Comp. van Vloten, 20.

³⁹³ *Shiitic Elements*, II, 487.

³⁹⁴ *Shiites*, II, 93 ff., particularly 94, 15 ff.

Pseudo-Messiahs Bazîğ the weaver,³⁹⁵ the most despised profession in the East,³⁹⁶ and it is worthy of mention that one of the authors who record the existence of this sectarian³⁹⁷ sneeringly implies that the recognition of prophets of such low social standing is typical of Shiism.³⁹⁸ The 'Abbasid *Dā'ī* and "prophet" Khidāsh who was executed by the Omayyads in 736,³⁹⁹ was a potter.⁴⁰⁰ The famous general and sectarian Abū Muslim was a saddler.⁴⁰¹ The celebrated Pseudo-Messiah Muḳanna' was a fuller.⁴⁰² The great rebel and heresiarch Bābak was a shepherd.⁴⁰³ The famous Shiitic mystic Ḥallāj was, as his name indicates, a wool-carder.⁴⁰⁴ The Keisanitic champion and poet as-Sayyid al-Ḥimyarī was the object of ridicule, because his associate in doctrine was a cobbler.⁴⁰⁵

³⁹⁵ *Ib.*, I, 64, 6; II, 96, 9 ff.

³⁹⁶ *Ib.*, II, 96, 15 ff. On the odium attaching to the weaver trade see, in addition to the references given *l. c.*, Wellhausen, *Das arabische Reich*, 146, n. 1, Barhebraeus, *Laughable Stories*, ed. Budge, No. 470 ff. and already Josephus, *Ant.*, XVIII, 9, 1 (the last two references were indicated to me by Professor Joseph Horowitz and Professor Louis Ginzberg).

³⁹⁷ Ibn Ḥazm (d. 1064), *Shiites*, I, 64, 7-8.

³⁹⁸ Very characteristic is the story told by Barhebraeus (*l. c.*, No. 471) of a weaver who wanted to become a prophet. "The people told him: 'Never has there been seen a prophet who was a weaver.' He, however, replied to them: 'Shepherds with all their simplicity have been employed as prophets, why should not weavers be fit for it?'" (Budge's translation misses the point).

³⁹⁹ *Shiites*, I, 64; II, 98.

⁴⁰⁰ van Vloten, 49.

⁴⁰¹ He was called Abu Muslim *as-Sarrāj*. The latter is correctly explained by Darmsteter, 40, and Browne, *Persia*, 236, as saddler. This is to be added to *Shiites*, II, 118, 9.

⁴⁰² *Shiites*, II, 120, 9.

⁴⁰³ Browne, *Persia*, 325.

⁴⁰⁴ See presently.

⁴⁰⁵ *Shiites*, I, 78, 2; II, 134, 31. As further examples may be quoted the ultra-Shiitic propagandists Abū Zakariyya al-Khayyāt (the tailor) and 'Alī an-Najjār (the carpenter), *Shiites*, II, 17, 9. From Shahr., 187, 12, it would seem that the famous heresiarch Bihāfarid was a *khaṭwāf* (shoemaker). But

It can be easily imagined that the low occupation of the sectarian leader or pseudo-prophet may frequently have proved inconvenient to his followers, the more so, since, in accordance with the oriental custom, the profession often forms part of the name. It is therefore not surprising that the attempt should have been made to put a more favorable construction on such uncomplimentary designations. We have a curious instance of this tendency in the case of Ḥallāj. It was apparently mortifying to the admirers of this famous mystic who was believed to be a divine incarnation and a revealer of sublime truths to have their great patron styled a *ḥallāj*, a wool-carder. Hence it was maintained "that the name *al-Ḥallāj* was metaphorical, and was given to him because he could read man's most secret thoughts, and extract from their hearts the kernel of their imaginings as the wool-carder separates the cotton-grains from the cotton."⁴⁰⁶ An interesting analogy is found in the case of the famous Mu'tazilite philosopher an-Nazzām, who was called by this name because he used to string pearls in the market of Baṣra (from *naẓama* "to string pearls"), whose name, however, was interpreted by his admirers to convey that he was able to string together prose and poetry.⁴⁰⁷

When we turn to Jewish sectarianism, we find substantially the same state of affairs. From the account of Kīrkisānī we gain distinctly the impression, and occasionally

the correct reading is Khawāf, the name of a district in Nisabūr (comp. Houtsma, *WZKM.*, 1889, p. 30). Cureton's edition and Haarbrücker's translation, I, 283, *penuit.*, are to be corrected accordingly.

⁴⁰⁶ Browne, *Persia*, 433.

⁴⁰⁷ *Shiites*, II, 58, 12.

we are expressly informed,⁴⁰⁸ that the Jewish sectarians were people of low standing both socially and intellectually. We are, in consequence, not surprised to hear that the most important Jewish heresiarch of that period, Abū 'Īsa al-Iṣfahānī, was not only illiterate but by profession a tailor.⁴⁰⁹ On the same ground we are justified in assuming that, if his disciple and successor is designated as ar-Rā'ī,⁴¹⁰ he was purely and simply a shepherd. His designation by Hadassi,⁴¹¹ in the clumsy manner characteristic of that author, as רועה גמליך, which was unjustifiably taken to be sarcastic,⁴¹² would characterize him more exactly, if it be not a mere paraphrase of the Arabic word, as a camel-herd. The name *Ra'yāniyya* which is found in connection with

⁴⁰⁸ Comp. *Shi'itic Elements*, I, 208. Of the followers of the sectarian Meswi (or Mēshūye) of 'Okbara (near Bagdad) Kīrkisānī makes the rather uncomplimentary remark that "there has never been seen among them a scholar or a thinker" (Kīrk., 285, 18).

⁴⁰⁹ Above, note 372.—The modern Pseudo-Messiah in Yemen was very poor and engaged in a low profession. According to some (אגרת תימן השנית, p. 51), he was a tailor in skins (תופר עורות, "furrier?"). Others report that he was a potter (אבן ספיר, II, 149), or a cobbler (מסעות שלמה, 13). Of course, this low social position is characteristic of the Yemenite Jews in general.—Mordecai of Eistenstadt (about 1679) who had come in contact with the Sabbathians in the Orient set himself up as the Messiah, maintaining that Sabbathai Zevi had been his forerunner. Sabbathai could not bring about the redemption because he was rich, while the Messiah must needs be poor, Grätz, X, 303 f.

⁴¹⁰ Bīrūnī, 15, 11, comp. above, p. 261. A Pseudo-Messiah by the name ar-Rā'ī who in all likelihood was a Jew is mentioned by a Mohammedan author (*ZDMG.*, XX, 490) as having appeared in Tiberias. He is certainly not identical with ar-Rā'ī mentioned by Bīrūnī (as suggested by Sachau in his translation, p. 373), but he affords a good example of another shepherd who laid claim to prophecy.

⁴¹¹ נגדם דת יורגאן (יורגאן read הוא הרועה : צו אשכל הכפר, alphabet רועה גמליך).

⁴¹² Harkavy in Grätz, V, 483: לקורות הכתות בישראל, p. 19.

this sect⁴¹³ would lead us to assume that Yūdḡān's by-name ar-Rā'ī was also pronounced Ra'yā or Ra'yān.⁴¹⁴ Perhaps the further conjecture may be ventured that this designation, pointing to a low social occupation, was annoying to his adherents and was therefore interpreted by them, in accordance with the biblical usage, which is occasionally found in Arabic,⁴¹⁵ in a metaphorical meaning as "the shepherd of the nation."⁴¹⁶

The above derivation of the name of Yūdḡān does not in any way militate against the assumption that he was at the same time a Dā'ī of Abū 'Īsa and, like his master, held that office in high esteem.⁴¹⁷ The attempt to explain Dā'ī as a scribal error for Rā'ī⁴¹⁸ is not convincing, for the importance accorded to the Dā'ī both by Abū 'Īsa and Yūdḡān is in perfect agreement with the conceptions of their age and environment.

⁴¹³ Baḡdādī "*al-'Isawiyya wa'r-Ra'yāniyya*" (above, note 192). Goldziher's objections to this reading (*ZDMG.*, LXV, 361) which he regards as an error for "*Yūdḡāniyya*" are not justified. Comp. also next note.

⁴¹⁴ Just as we find *Mūshkā* and *Mūshkā'iyya*, alongside of *Mūshkān* and *Mūshkāniyya*, *Shiitic Elements*, I, 297, n. 93. Ra'yān looks like a Persian adaptation of Rā'ī, while Rā'yā looks Aramaic. Perhaps the reading רעיא (instead of ראעיא, note 416) reflects the same form of the name.

⁴¹⁵ Thus the Caliph Yazīd, son of Mu'āwiya, is designated as "the *rā'ī* (shepherd) of all religious people," van Vloten, 36.

⁴¹⁶ Kirk., 284, 12: וסמוה אצחאבה ראעיא: וכאן בעד אבי עיסי יודגאן והו אלדי אצחאבה ראעיא: או אנה ראעיא אלאמה (var. רעיא) "After Abū 'Īsa came Yūdḡān, the same who is called by his adherents Rā'ī (shepherd, var. Ra'yā? see note 414), i. e. the Shepherd of the Nation."

⁴¹⁷ Above, p. 264.

⁴¹⁸ Harkavy is his introduction to *Ḳırķisānī*, p. 206, n. 1, in Grätz, V, 477, לקורות הכתות, 19.

12. JIHĀD

Jihād or the fight against unbelievers is one of the fundamental precepts of Islam. But apart from the duty of fighting unbelief outside the Mohammedan community, the faithful Muslim, in obedience to the Koran which frequently emphasizes "the command to do right and the prohibition to do wrong,"⁴¹⁹ is called upon to fight wrong and injustice wherever they meet him. As to the mode in which this fight ought to be carried on, the view shared by a variety of sections within orthodox Islam or bordering on it is that it is not sufficient to fight with the heart and the tongue (i. e. by conviction and persuasion), "but that appeal must be made to arms."⁴²⁰ The Shiites, however, are of the opinion that the use of arms is prohibited. "All the Rawāfid.⁴²¹ so the dogmatist Ibn Ḥazm⁴²² informs us, hold to it, though they be killed... But they believe in it (in the prohibition of arms) only so long as the speaking Imām (= the Mahdī) does not come forth. When he does come forth, then the drawing of swords becomes obligatory." Peculiarly enough this view is quoted in an old source⁴²³ as one of the analogies between Shiism and Judaism. "The Jews say, There shall be no fighting for the sake of God, until the Messiah, the Expected One, goes forth⁴²⁴ and a herald from heaven proclaims (his arrival). The

⁴¹⁹ *al-amru bi'l-ma'rūf wa'n-nahy 'an'l-munkar*, Koran 3, 100, 106, 110, et passim.

⁴²⁰ *Shiites*, II, 93, 15.

⁴²¹ Nickname for Shiites.

⁴²² *Shiites*, II, 92, 33 ff.

⁴²³ In the anthology of the Spaniard Ibn 'Abdi Rabbihi (d. 940), comp. *Shiites*, II, 95, and *Shiitic Elements*, II, 497, note 78.

⁴²⁴ This is probably a reference to the wars with Gog and Magog and the Antichrist which play so prominent a part in the later Messianic speculations of Judaism.

Rāfiḍa⁴²⁵ say, There is no fighting for the sake of Allah until the Mahdī goes forth and a herald⁴²⁶ descends from heaven."

This theory which restricts all fighting to Mahdistic movements places every Mahdistic candidate in the necessity to rise in arms against the powers that be, without any regard to possible consequences, for his neglect to fight would immediately disqualify him as a Messianic candidate. From this logical but extremely dangerous conclusion the Shiites were saved by the adoption of the principle of *taḳīyya* "fear, precaution."⁴²⁷ This principle which acknowledges the claim of practical expediency became of utmost importance to Shiism which has always been in opposition to the existing order of things and has constantly knocked up against reality.⁴²⁸ It also offered a convenient solution to the perplexing question which must trouble the conscience of every faithful Shiite why the Mahdī who must

⁴²⁵ i. e., the Shiites, comp. note 421.

⁴²⁶ *sabab*, comp. *Shiites*, II, 95, n. 1.

⁴²⁷ Corresponding in substance to the Talmudic אָנוּם. Compare on *taḳīyya* Goldziher, "Das Prinzip der *taḳīyya* im Islam," in *ZDMG.*, LX, 213 ff., particularly p. 217 ff., *idem*, *Vorlesungen*, 215, and on the application of the *taḳīyya* among modern Babis, *ib.*, 303.

⁴²⁸ One is vividly reminded of this Shiitic principle when one reads how some of the Sabbathians justified the apostasy of their Pseudo-Messiah (comp. above, note 207). "Moses, too, who lived at first with Pharaoh, used to change (i. e. to simulate) his action (מִשְׁנָה מְעִשָּׂיו), so also did Sabbathai change his actions" (Grätz, X, 457). When Abraham Abulafia (comp. above, note 360), in order to escape death, renounced his beliefs in the presence of the Pope, he claimed that God had endowed him with a "double mouth" (*ibidem*, VII, 195. Compare especially the Shiitic examples quoted by Goldziher, *ZDMG.*, LX, 224). A clear reflection of the *taḳīyya* principle is the 16th rule of the modern Sabbathians (the so-called Dönme) in Salonika which enjoins upon them "to observe carefully the customs of the Turks, whose eyes would be blinded in this way" and particularly to practice "everything which is visible to the eye" (Danon, in סֵפֶר הַשְּׁנָה, I, 169).

be cognizant of all the wrong and injustice rampant in this world yet remains hidden and does not come forth to fill the earth with justice.⁴²⁹

While the saner elements within the Shī'a thus made peace with reality, there were radical sections which repudiated this pact with convenience and considered it their duty to fight, without any regard to their strength or their fate. *Fiat iustitia, pereat mundus* became their watchword. This view is in all likelihood the source of the terroristic Shiitic movements which played a considerable part in the eighth century in 'Irāk.⁴³⁰ One of these terrorists was Muğīra b. Sa'īd of Kufa.⁴³¹ He regarded Ja'far as-Šādiq, the sixth 'Alidic Imām, as the Mahdī.⁴³² When the decisive moment arrived, he rose in arms, accompanied by a small band of *marwālis* (emancipated slaves), against the governor of Kufa. They were, as was to be expected, exterminated (in 737). Muğīra's "army" consisted altogether of twenty men.⁴³³ According to Ṭabarī,⁴³⁴ they were no more than seven men.

Perhaps some such notions may have prevailed among the Jewish sectarians who arose about the same time and in similar surroundings. Abū 'Īsa considered it his duty to fight the Mohammedan power and met his fate. His successor Yūdḡān who otherwise upheld his views thought it wiser to keep his peace. One of the followers of Yūdḡān

⁴²⁹ Goldziher, *Vorlesungen*, 218 f.

⁴³⁰ *Shiites*, I, 35, 12; 62 f.; II, 92 f. (= Jāhiz, *Kitāb al-ḥayawān*, ed. Cairo, II, 97), 153.

⁴³¹ *Shiites*, II, 79, 22 ff.

⁴³² *Ib.*, II, 107. *Ib.*, I, 60, 10 probably not Muğīra himself, but his successors are meant, comp. II, 87, 12 ff.

⁴³³ *Ib.*, II, 79, 36.

⁴³⁴ *Ib.*, line 37.

was a certain Mushkā or Mushkān.⁴³⁵ He adhered, as Shahrastānī⁴³⁶ informs us, "to the doctrine of Yūdḡān, with the exception that *he considered it obligatory to rise against his adversaries and to wage war against them*. He rose, accompanied by nineteen men, and was killed in the neighborhood of Ẕumm."

Whether the reference to the number 19 which is the all important sacred number of the Babis⁴³⁷ and already figures as such in the ancient Persian religion,⁴³⁸ is a matter of intention or coincidence, is scarcely possible to determine.⁴³⁹

13. TABDĪL

It is well known that one of the principal arguments cited in support of Mohammed's claim to prophecy are the references to him in the older sacred writings, notably in the Bible and the Gospels. To meet the obvious objection that such references are missing, the theory of *tabdīl* ("alteration") is advanced which proclaims that the Bible and the Gospels had been wilfully altered and the passages predicting the advent of Mohammed maliciously done away with. Withal the Mohammedan theologians continue to point to a number of biblical passages which even in their

⁴³⁵ See on the variations of the name *Shiitic Elements*, I, 207, n. 93.

⁴³⁶ I, 169, 3 ff.

⁴³⁷ Browne, A Year amongst the Persians, 320; *JRAS.*, XXI, 499; *Tarikh*, 136; Hastings' *Encyclopedia*, II, 306b, and others.

⁴³⁸ Browne, *Persia*, 98. In Islam it is signalized already by Ibn 'Arabi (d. 1240), Browne, *Tarikh*, XIII.

⁴³⁹ It may be mentioned in this connection that the rebel and pseudo-prophet Mukhtār (*Shiitic Elements*, II, 487), after having been besieged in Kufa for four months, finally made a sally with *nineteen men* and was killed in 687, Wellhausen, *Religiös-politische Oppositionsparteien*, 86.

present form contain, in their opinion, an unmistakable allusion to Mohammed's mission and name.⁴⁴⁰

This slander against the pre-Mohammedan writings was soon enough visited upon orthodox Islam, against which the identical accusation was brought forward by Shiism. The Shiites are firmly convinced that the Koran originally contained an express reference to 'Alī as the appointed successor of Mohammed and they staunchly maintain that the divine book had been altered and interpolated by the companions of the Prophet who were hostile to 'Alī and that, in consequence, it cannot be relied upon in its present shape.⁴⁴¹ This view gained wide currency among the Shiitic sects and gave rise to extensive polemics between them and the orthodox.

Just as Mohammed claimed that he was foretold in the Bible and Gospels, so did the Shiitic pseudo-prophets endeavor to make themselves and their followers believe that their name and advent had been predicted in the Koran. Thus the Shiitic sectarian Abū Maṣṣūr (early eighth century), nicknamed *al-Kisf* (the "Fragment"), maintained that he was alluded to in the verse: "If they should see a fragment (*kisf*) of the sky falling down" (Koran 52, 44).⁴⁴² His contemporary and fellow-Shiite Bayān b. Saṣ'ān pointed to the verse: "This is an illustration (*bayān*) for mankind" (Koran 3, 132) as containing a reference to him.⁴⁴³ Similarly Aḥmad b. Yānūs, a Mu'tazilite heretic,

⁴⁴⁰ See on this question which figures so prominently in polemical literature Steinschneider, *Polemische und apologetische Literatur*, 320 ff., Goldziher, *ZDMG.*, XXXII, 344 ff., and Schreiner, *ibidem*, XLII, 595; 599 ff.

⁴⁴¹ Compare *Shiites*, II, 61 f.

⁴⁴² Compare *Shiites*, II, 61 f.

⁴⁴³ *Shiites*, I, 62.

⁴⁴⁵ *Id.*, I, 61.

pretended to be a prophet,⁴⁴⁴ maintaining that he was alluded to in the verse: "Announcing an apostle who will come after me, whose name will be Aḥmad" (Koran 61, 6).⁴⁴⁵

As a reflection of the Mohammedan *tabdīl* theory we may perhaps regard the doctrine of the Jewish sectarian Ismā'il al-'Okbari (ninth century) who, according to Ḳirḳisānī, "maintained that there are things in the Bible which were not so as they are at present written down."⁴⁴⁶ The illustrations quoted by Ḳirḳisānī⁴⁴⁷ are all textual emendations which have no dogmatic significance. But it is clear that such an attitude towards the Bible is only possible on the assumption that human hands had tampered with it.

It is not impossible that the specimens of biblical criticism, which belong to the same period and point to a similar environment,⁴⁴⁸ were not inspired by the attempt to

⁴⁴⁴ *Ib.*, II, 11.

⁴⁴⁵ *Ib.*, II, 88, 30.

⁴⁴⁶ Ḳirḳ., 314, *ult.*: והו' אנה וועם אן פי אלכתאב אשיא לם תכנ עלי מא די אלאן מכתובֿה אן אסמעיל אלעכברי אמשל אלכתב (read אלכתיב?) וקרי וועם אן אלקראה יגב אן תכנ עלי מא די מכתוב "that Ismā'il al-'Okbarī set aside the *ketib* and *kerē*, maintaining that the reading ought to be in accordance with what is written," a view which was shared by some of the Karaites of Khorāsān (Ḳirḳ., 319, 2). Ḳirḳisānī himself points out the contradiction between this view and the one quoted in the text. Hadassi (alphabet יצ, fol. 41, *ult.*) seems to suggest that Ismā'il considered both the *ketib* and *kerē* false. The original meaning of this contention of Ismā'il probably was that the divergence between the *ketib* and *kerē* was an indication that the Bible had been wilfully altered.

⁴⁴⁷ 315, 1 ff.

⁴⁴⁸ I refer to the "objections" of Chivi ha-Balchi (treated exhaustively by Poznański in *הגנר*, VII (1907), p. 112 ff.) and the Genizah fragment published by Schechter, *JQR.*, XIII, 345 ff. (see the literature quoted by Poznański, *l. c.*, 27 ff.).

invalidate the Bible as a whole but were rather meant to discredit its present textual form.⁴⁴⁹

The endeavors of Sabbathai Zevi and his followers to find allusions to his name in the Bible⁴⁵⁰ are scarcely analogous to the Mohammedan tendency referred to above. But a good parallel is afforded by the modern Pseudo-Messiah of Yemen who has been repeatedly mentioned in these expositions before. Orthodox though he was, he did not hesitate to preach that the Bible contained mistakes and misreadings.⁴⁵¹ This theory enabled Shukr al Kuheil, who was only half-learned and, as it seems, half-witted,⁴⁵² to find allusions to his name and appearance in the Bible. He had the boldness to declare that in the verse Isai. 45, 1 ("Thus saith the Lord unto His anointed one, to Cyrus") Cyrus (כורש) was an error for Shukr (שוכר).⁴⁵³ In the Messianic passage Micah 5, 1⁴⁵⁴ he read, instead of מִקֶּדֶם ("his goings forth shall be from of old, or from the East"), מִצִּנְעָא ("his goings forth shall be from Ṣan'ā"). In Gen. 10, 30, he

⁴⁴⁹ A similar view with regard to Chivi is expressed by Poznański, *l. c.* (reprint), p. 18.

⁴⁵⁰ Sabbathai's second name צבי was supposed to be the abbreviation of **צדיק באמונתו יהיה** (Habak 2, 4) and this was taken as a proof that his advent was predicted by that prophet, **ציצת נובל צבי**, 10a, 13a, 17b, 18b, 33a, etc.

⁴⁵¹ **ומלכד זה אפילו ספרי נביאים שבידינו יש בהם: 36. אגרת תימן השנית** ו**הבלבול והשגיאות**. He also used to correct the Zohar, *ibidem* (in a letter from Ṣan'ā).

⁴⁵² **אך הוא חסר דעת קצת כידוע לכל: 32. אגרת** **באי שער עירי**.

⁴⁵³ **אגרת**, 36 and **אבן ספיר**, II, 151.

⁴⁵⁴ **אגרת**, 23 (in a letter of the Messiah himself). Shukr quotes incorrectly **יהיו תוצאותיו מקדם** but he has undoubtedly our passage in mind.

substituted for הר הקדם the Arabic name of the local mountain גבל נקם.⁴⁵⁵

14. PROHIBITION OF MEAT

When after the destruction of the Second Temple certain ascetically inclined people proposed to forbid the use of meat and wine, because they had been offered on the altar which now lay in ruins, they were checked by the judicious R. Joshua ben Hananiah who pointed out to them that by the same analogy they would have to renounce many other eatables indispensable for life.⁴⁵⁶ This tendency, which was thus suppressed in talmudic Judaism, asserted itself, like many other austerities of the law disposed of by the Rabbis, in Jewish sectarianism,⁴⁵⁷ notably in Karaism. Already Anan forbade the eating of meat in the exile⁴⁵⁸ and he was followed in this prohibition by later Karaite author-

⁴⁵⁵ *Ibidem*. The latter reading is probably meant more in the nature of an identification than of an emendation. The places mentioned in that biblical passage were located in Southern Arabia. Uzal (verse 27) is interpreted already by Saadia as an equivalent for Ṣan'ā (compare *AbS.*, II, 25, n. 2).

⁴⁵⁶ Tosefta Soṭah, end; b. Baba batra 60b.

⁴⁵⁷ Already the Dositheans refrained from the use of meat, Krauss in *Jew. Enc.*, IV, 643b. Benjamin of Tudela (Itinerary, ed. Adler, *JQR.*, XVII, 763) mentions "mourners of Zion" among the Jews of Arabia (to be distinguished from the אבלי ציון known from Karaite literature, comp. Marx in *ZfhB.*, XIV, 138) who refrained from meat and wine.

⁴⁵⁸ אבתדא בתחרים אללהם פי אלגאליה ראם אלגאלות ענן ותאמעה עלי דלך בנימין ואסמעיל אלעכברי ודניאל אלקומסי וגמאעה מן קראיי הרא אלעזר "The first to forbid meat in exile was the Exilarch Anan, and he was followed in this by Benjamin (an-Nahāwandī), Ismā'īl al-'Okbarī and Daniel al-Kūmisī as well as by a large section of Karaites of this generation" (Kirkisānī, quoted from a MS. by Harkavy in the Russian-Jewish monthly *Woshkod*, February 1898, p. 9, n. 3). On the prohibition of meat by Anan see also Harkavy, *Studien und Mitteilungen*, VIII, 4, 141, 148, and 193.

ities,⁴⁵⁹ even by those who, like Ismā'il al-'Okbari, otherwise violently opposed him.⁴⁶⁰ This restriction, together with the prohibition of wine,⁴⁶¹ became particularly characteristic of the Karaite ascetics who settled in the Holy Land and formed the community of the so-called "Abele Zion."⁴⁶² In the time of Ẓirkisānī, as we learn from his own words,⁴⁶³ the bulk of Karaites refrained from eating meat, and the wide currency of this restriction may perhaps be best inferred from the exceptions quoted by the same author who circumstantially relates that one of the Karaitic sectarians had composed several pamphlets to prove that meat was permissible⁴⁶⁴ and that there were Karaites who "considered permissible the eating of the flesh of sheep and cattle in the exile."⁴⁶⁵

It would lead us too far afield to inquire into the motives underlying this restriction. They were probably manifold, springing partly from tendencies of asceticism which was considered meritorious as long as the Jews were banished from their land, partly from a literal interpretation of the verse Levit. 17, 3 which forbids the slaughter of animals outside the camp, or from the conception, already voiced in the presence of Rabbi Joshua ben Hananiah, which regards the secular use of the animals or substances formerly sacrificed on the holy altar as an act of irreverence and

⁴⁵⁹ See previous note.

⁴⁶⁰ Comp. Ẓirk., 284, 27; 315, 12.

⁴⁶¹ Anan also forbade the drinking of wine in the exile, Harkavy, *Studien*, 4, 21.

⁴⁶² Grätz, V, 269; 507 f.

⁴⁶³ Above, note 458.

⁴⁶⁴ Ẓirk., 315, 22.

⁴⁶⁵ *Ib.*, 318, 18.

impiety. Be the motive whatever it may, the prohibition of meat was, as its formulation clearly indicates,⁴⁶⁶ confined to the state of the Jews in the dispersion. Nor was it prompted by any vegetarian or humanitrian considerations. For the prohibition of meat by the Karaites was by no means absolute. Anan allowed the flesh of the deer⁴⁶⁷ and that of the pigeon and turtle-dove among the birds,⁴⁶⁸ while the later Karaites distinctly confine the prohibition to the flesh of sheep and cattle.⁴⁶⁹

The same prohibition of meat and wine is reported of the Jewish sectarians Abū 'Īsa and Yūdḡān.⁴⁷⁰ This spirit of self-abnegation which was regarded as the only attitude befitting the unfortunate condition of the Jews in the exile found a particularly favorable soil in these sectarian circles which believed in the approaching Messianic redemption and partly endeavored to bring it about by the force of arms. The Yūdḡāniyya particularly were characterized by ascetic tendencies and were given, as both Kīrkīsānī and Shahrastānī inform us, to much praying and fasting.⁴⁷¹ The same disparaging attitude towards the exile reveals itself in another doctrine, preached by Yūdḡān and shared by some Karaites, "that the sabbaths and festivals

⁴⁶⁶ פִּי אֶלְזָאֲלִיָּה "in exile," above, n. 458, also Kīrk., 318, 18, and often by later authorities.

⁴⁶⁷ Harkavy in *Jew. Enc.* (article "Anan"), I, 555a. Harkavy does not indicate his source. See also next note.

⁴⁶⁸ Harkavy, *Studien*, 67; 155, comp. 188. On the meat of the cock, *ib.*, 145, n. 5, 154, 156, n. 5. Elsewhere (Grätz, V, 477) Harkavy formulates Anan's prohibition with a slight difference: "Vom Fleische gestattete er bloss Geflügel, mit Ausnahme der Hühner, und den Hirsch."

⁴⁶⁹ Kīrk., 318, 18, and the passages enumerated in note 458.

⁴⁷⁰ Kīrk., 311, 24; 312, 17. Shahr., I, 168, *ult.* only of Yūdḡān.

⁴⁷¹ Kīrk., *ib.*, נֶאֱלָצוּם כְּתוּרִיָּה וְיִסְתַּעְמְלוּן אֶלְזָאֲלִיָּה; Shahr., *ib.*, *yahuttu 'alz-zuhdi wa-takt'iri ṣ-ṣalāti*.

are no more valid in this age and are (to be observed) merely as a recollection."⁴⁷²

While the prohibition of meat by these sectarians is thus fully in accord with widely current Jewish tendencies, there is something in the formulation of this prohibition, as reproduced by Shahrastānī, which cannot possibly be ascribed to these influences. For, according to this author, Abū 'Īsa "prohibited in his book"⁴⁷³ all slaughtered animals and he forbade the eating of any creature endowed with a living spirit *unconditionally, be it a bird or an animal*.⁴⁷⁴ The contrast to the Karaite practices discussed above is palpable. The complete prohibition of birds differs essentially from the Karaitic custom and the motive underlying this prohibition seems essentially different as well: it is neither asceticism nor the exile, but the objection to the destruction of life. I am therefore inclined to assume that, in addition to Jewish influences, Abū 'Īsa was swayed in his prohibition by foreign non-Jewish conceptions.

I believe that the source of Abū 'Īsā's prohibition is to be found in the doctrines and practices of Manichæism and the sects emanating from it, whose influence on Jewish sectarianism has already been proved by other instances. The prohibition of meat and wine is a characteristic feature of Manichæism. Already before the birth of Mānī his father Futtak was repeatedly warned by a heavenly voice

⁴⁷² Kirk., 312, 18: ויזעמון אן אלסכמא ואלאעיואר סאקמ'ה פי הר' אלעזר ואנמא הי דכר. The Shadgāniyya, a sect closely related to the Yūdḡāniyya, held the same opinion, Pinsker, לקוטי, 26.

⁴⁷³ This is apparently one of the revealed books which he produced, after the manner of Mohammedan sectarians, in spite of his ignorance (comp. above, note 382).

⁴⁷⁴ Shahr., I, 168: *wa-harrama fī kitābihi' d-dābā'iḥa kullaha wa-nahā 'an akli dī rūḥin 'alā'liḥlāki tairan kāna au bahīmatan*.

to refrain from meat and wine⁴⁷⁵ and the same restriction is one of the essential conditions for admission into the Manichæan community.⁴⁷⁶ The Manichæans, as Ibn Ḥazm tersely remarks, "do not believe in (the use of) slaughtered animals."⁴⁷⁷ The motive is supplied by Bīrūnī who relates that Mānī "forbade to slaughter living creatures or to cause them pain."⁴⁷⁸ Mazdak, who is dogmatically a lineal descendant of Mānī, was prompted by the same motive when he forbade the slaughtering of animals until they died a natural death.⁴⁷⁹ The heresiarch Bihāfarid,⁴⁸⁰ a contemporary of Abū 'Īsa, who seems to have been largely influenced by Manichæism and Mazdakism, prohibited, in contradistinction to Mazdak, the flesh of dead animals, but that he was none the less actuated by the same tendency is shown by the fact that he allowed the slaughtering of small cattle when they were enfeebled.⁴⁸¹ apparently believing that to kill them in this state involved no cruelty to them but charity.⁴⁸²

It is in doctrines like these which were undoubtedly in vogue in the age and in the environment of Abū 'Īsa that we have to look for an explanation of his sweeping prohibition of the destruction of life which is both in its extent

⁴⁷⁵ Flügel, *Mani*, 83. According to the old Persian conception which is still voiced by Firdausī in the tenth century, it was the Devil who beguiled the people "from the primitive and innocent vegetarianism supposed to have hitherto prevailed into the eating of animal food" (Browne, *Persia*, 115).

⁴⁷⁶ Flügel, *l. c.*, 95, 1.

⁴⁷⁷ *Milal wa'n-niḥal*, I, 36, 14: *wa-hum lā yarauna 'd-dabā'iḥa*, the same expression as used by Shahrastānī (above, note 474) of Abū 'Īsa.

⁴⁷⁸ 207, 21.

⁴⁷⁹ Bīrūnī, 209, 16. This motive would meet the difficulty pointed out by Nöldeke, *Geschichte der Araber und Perser*, 460.

⁴⁸⁰ *Comp. Shiitic Elements*, II, 500.

⁴⁸¹ Bīrūnī, 211; Shahr., 187.

⁴⁸² In addition Bihāfarid, just like Mānī, forbade the drinking of wine, *ibidem*.

and motive different from similar practices current in Jewish sectarian circles.

Perhaps this may also throw some light on the remark of Ẕirḳisānī: "He (Abū 'Īsa) prohibited meat and wine, not on the basis of Scripture but because he maintained that God had commanded him to do this *through prophecy*."⁴⁸³ Anan, who is designated by Ẕirḳisānī as the first who forbade the eating of meat,⁴⁸⁴ tried to deduce this prohibition from the Bible.⁴⁸⁵ Abū 'Īsa, however, was conscious of the fact that this prohibition was an innovation of his own and had no source in the similar practices current in certain Jewish circles hitherto.⁴⁸⁶

15. NUMBER OF PRAYERS

According to Shahrastānī,⁴⁸⁷ Abū 'Īsa instituted *ten* daily prayers and he also specified the time at which they should be recited. Ẕirḳisānī, however, reports that he instituted *seven* daily prayers, in accordance with the Psalm verse (119, 164): "Seven times a day do I praise Thee because of thy righteous judgments."⁴⁸⁸ It is to be assumed

⁴⁸³ 311, 24: וחרם אללהם ואלשראב לא מן אלכתאב כל באנה ועם אן אללה. אמרה דלך באלנבוה. According to Hadassi (Alphabet צו), he adopted the prohibition of meat and wine from the Rechabites, but this would only apply to meat.

⁴⁸⁴ Above, note 458.

⁴⁸⁵ See Harkavy, *Studien und Mittheilungen*, VIII, 193 f. The same applies to his prohibition of wine. For the later Karaites comp. Grätz, V, 508.

⁴⁸⁶ Whether Abū 'Īsa's prohibition of wine which is characteristic of Mānī and Bihāfarid is to be ascribed to these influences or to the general tendency observable among Karaites is difficult to determine. It certainly was not suggested by the precept of orthodox Islam which in Persia more than elsewhere was and still is very frequently violated.

⁴⁸⁷ I, 168, 16.

⁴⁸⁸ 311, 23. Similarly Hadassi.

a priori that the smaller number is the correct one. Now while it may be possible that Abū 'Īsa justified the new number of prayers by the Psalm verse, it is little likely that he derived it from it, particularly when we remember that, as Kırķisānī further informs us, he also retained the regular prayers of the Jews.⁴⁸⁹ We have already had repeated occasion to point to the extraordinary prominence accorded to the number seven in heterodox Mohammedan circles whose influence on Abū 'Īsa has been traced above. It is no wonder therefore that it should also have influenced the number of prayers. Thus Mānī is said to have instituted seven prayers.⁴⁹⁰ Of still greater importance is the fact that the contemporary of Abū 'Īsa, the Persian Bihāfarīd, who also in this instance proves himself a follower of Manichæism and Mazdakism—in the latter the seven, together with the twelve, looms most prominently as a sacred number—⁴⁹¹ established *seven* prayers, the character of which is thus specified by Bīrūnī:⁴⁹² "one in praise of the one God, one relating to death, one relating to the Resurrection and Last Judgment, one relating to those in heaven and hell and what is prepared for them, and one in praise of the people of Paradise." It needs no great stretch of imagination to assume that the example of this or a similar sectarian is responsible for the new number of prayers instituted by Abū 'Īsa. In the character of the prayers established by Bihāfarīd there is nothing which a professing Jew could not with a clear conscience adopt. They were, to judge by the description of Bīrūnī, more in the nature of supplications or praises than a collection of liturgies, as in the case of the

⁴⁸⁹ 311, 26.

⁴⁹⁰ Flügel, *Mani*, 41. See later, note 494.

⁴⁹¹ Comp. Shahr. 193.

⁴⁹² P. 210. Sachau's translation 193.

Jewish or Mohammedan ritual, and their content is in striking harmony with the Psalm word by which Abū 'Īsā *a posteriori* justified them. The character of these prayers as short individual eulogies also makes us understand why they did not replace the regular *Shma'* and *Shmōnc 'Esrē* which, as Kīrkisānī tells us, he was commanded by God to retain. "according to the order of the Rabbanites."⁴⁹³ In the light of these facts, we are also able to explain the discrepant statement of Shahrastānī who speaks of *ten* prayers. The ten prayers of Abū 'Īsā consisted of the seven special prayers suggested to him by heterodox Islam and the three regular prayers retained from the Jewish liturgy.⁴⁹⁴

⁴⁹³ 311, 26.

⁴⁹⁴ Perhaps a similar explanation applies to the Manichæan prayers. According to Nadīm's *Fihrist* (Text: Flügel, *Mani.* 64, translation, *ib.*, 96), Mānī instituted four or seven prayers. Of these Nadīm only deals with the four, describing their contents and the times of their *daily* recitation (comp. Flügel, 303). Shahrastānī only knows of four (*ib.*). Perhaps it may be conjectured that the four prayers were conceived as regular daily prayers, while the seven prayers were, after the manner of those instituted by Bihāfarīd, eulogies to be recited on special occasions. This would remove the difficulty discussed by Flügel (*l. c.*, 311).

ADDITIONAL NOTES ON 'FRAGMENTS OF A ZADOKITE WORK'

TO THE HISTORY OF THE SECT

WITH a fine display of erudition and much subtle reasoning, Prof. Schechter has put forward, in his Introduction to the work, a plausible theory for the identification of our Sect. The theory may be summed up as follows: The Sect is identical with the Zadokites described by Kirkisani; and at a later stage of its history, it was absorbed by, or amalgamated with, the Dositheans. Now, however useful and interesting the theory may be, it does not carry us very far. It still leaves us in the dark as to the origin of our Sect, its relation to the great historical sects in Judaism, and its place in Jewish history. Kirkisani's knowledge of our Sect, if it be the same as the followers of his Zadok, is derived from the very document under discussion, only perhaps in a fuller form; and as for the Dositheans, we do not yet know for certain who they were, and how, and when they arose.

I believe, however, that our fragments themselves contain material which, if properly sifted and elucidated, will enable us to determine with some certitude the origin of our Sect and its place in the history of Judaism. The text offers us a number of statements which, when rightly interpreted, will yield some very important facts respecting the origin and early history of the Sect. Let me endeavor first to summarize these statements in the order in which they are given in our text, and then to discuss their bearing upon our enquiry.

The Sect arose 390 years after the destruction of the First Temple (p. i, l. 5 ff. שורש is not an individual, but the original party which later developed into our Sect. This is evident from

¹ See *JQR.*, New Series, II (1911), 133 ff.

the words which follow: ... ויבינו. הם; etc. We must not, of course, expect an exact chronology from the writer; but the year given by him points clearly to some date in the second century B. C.).

For twenty years (or half a generation), the party remained without a fixed policy and without fixed principles, until God raised up for them the Teacher of Righteousness (p. 1, l. 8 ff.).

But there arose also at the same time the Man of Mockery who led Israel away from the paths of righteousness (p. 1, l. 14 ff.).

The followers of the Man of Mockery persecuted the followers of the Teacher and caused civil war (= ויסיסו לריב עם, p. 1, l. 21); but they fell by the sword (p. 1, l. 17; p. 2, l. 1). The first members of the Sect became disloyal to its Covenant, and fell by the sword (p. 3, l. 10 ff. בו חבו באי, etc. This cannot refer to the ancient Israelites, for they are settled with in ll. 8-10).

A number of these first members remained loyal to the principles of the Sect, and they survived the general massacre, and with them God established His Covenant for ever, revealing to them His secrets respecting the Calendar, His commandments, and His will (p. 3, l. 12 ff.).

Even the faithful were not perfect, but God forgave their sins, and established them in an enduring organization (p. 3, l. 17 ff.), under the guidance of leaders who emigrated from Judea, and whose names and histories are still extant (p. 4, l. 2 ff.).

From this time onwards, the Sect must keep itself completely separated from the Jews in Judea (p. 4, l. 10 f.; comp. p. 6, l. 14-15; p. 8, l. 8, 16). He who comes near them, shall not remain guiltless (p. 5, l. 14 f.).

The apostasy began at the end of the desolation of the land (caused, presumably, by the Syrian wars; p. 5, l. 20).

But God raised up wise men who emigrated from Judea to the land of Damascus,² and who dug up the well of the Torah

² i. e. Syria, not the City of Damascus as stated by the editor, *Introd.*, p. xiii. Comp. p. 8, l. 21, 11, 19, 34; 20, 12

by following the rules of the 'Expounder of the Torah' (p. 6, l. 3, ff.).

Those who entered the New Covenant bound themselves, among other promises, not to enter the Jerusalem Sanctuary with sacrifices, but to seek to close its doors, as long as its ritual remained contrary to the teaching of the Sect, 'until the end of wickedness' (i. e. until the resurrection of the Teacher, p. 6, l. 11-14. This seems to me the most probable interpretation of the passage, which I quote here in full: **וכל אשר הובאו בברית לבלתי בוא אל המקדש להאיר מזבחו ויהיו מסגירי הדלת אשר אמר אל מי בכם יסגיר דלתו ולא תאירו מזבחי חנם אם לא ישמרו לעשות כפירוש התורה לקץ הרישע** I supply **נשבעו** before **לבלתי**, and regard **אם** as a parenthesis. This explanation clears up also the meaning of the passage in Text B, p. 20, l. 22 f.: **אשר יצאו מעיר הקדש וטמאו את המקדש וישבו עד אל אשר יצאו מעיר**. **הקדש** **וטמאו** has a declarative force, comp. Lev. 13, 3, 8, etc. 'They went forth from the Holy City, and pronounced the Sanctuary unclean, and returned unto God.' N. B. **אשר אמר** = 'כאשר א'; see below note on p. 4, l. 15).

The disloyal members of the Sect were slain by the sword, but those who held fast to its teachings escaped to the land of the North (= Syria, p. 7, l. 13 f., 21 f. || 19, l. 11-13).

The emigration to Syria was effected under the leadership of the 'Expounder of the Torah' (p. 7, l. 18 f.).

Forty years (i. e. a whole generation, comp. Num. 14, 34; Judg. 3, 11, etc.) passed from the death of the Teacher³ to the complete disappearance of the fighting section of the party that followed the Man of Mockery (p. 20, l. 13-15).

During this period the Sect became entirely disorganized and demoralized, until at last its members conferred and reorganized themselves (p. 20, l. 15 ff., comp. the writer's note on this passage *JQR*, New Series, II, p. 139); they left the Holy City

³ **יוריה**; comp. p. 19, l. 35 f.; p. 3, l. 8; p. 6, l. 11. It is noteworthy that **יוריה** occurs as a proper name in I Chron. 23, 19; 24, 23; 26, 31. Is there any connection between the title 'Teacher' and this proper name? Comp. the title *σωτηρ* as applied to Jesus (= **ישוע**).

(= Jerusalem), rejected the Temple as unclean, and returned unto God (*ibid.*, ll. 22, 23. מִבֵּית פֶּלֶג may perhaps be the same as בֵּית מַחֲלוּקָת 'a place of dissension,' comp. Gen. 10, 25. Note that קִין here as often in this document is equivalent to 'period.').

After the Sect had established itself in Syria, some of its members returned to Judea in the company of the followers of the Man of Mockery (p. 20, l. 10 f. רַעֲיָהָם, etc.).

Now let us endeavor to appreciate the facts revealed by these statements.

Our Sect was an offshoot of a party which was cruelly persecuted in Judea, and which, to escape this persecution, emigrated to Syria. It is evident that this party must have been formed for the defense of a principle or principles which were uncompromisingly hostile to the ruling powers of Judea. It is also evident that the ruling powers in Syria had nothing to fear and possibly something to gain from the assertion of the party's principles; therefore they allowed the fugitives from Judea to settle freely in Damascene territory, and to organize themselves in the peculiar religious and social organization outlined in our document. It follows, therefore, that the ruling authorities in Jerusalem and Damascus respectively were not only not the same, but that they were actually hostile to each other. In other words, the rise of the combined party and of its offshoot, our Sect, must have taken place in a period preceding the Roman occupation of Judea and Syria, i. e. *our Sect originated in Hasmonean times.*

Now we learn from history that there were two Hasmonean rulers who had to suppress with the sword active opposition to them in Jerusalem, viz. John Hyrcanus and his son Alexander Jannæus; and that this opposition was directed against the assumption by these rulers of the office of the High Priest. As the party to which our Sect belonged was persecuted with the sword by the Hasmonean authorities, it follows that the party, and our Sect which originated from it, were probably the opponents of the Hasmonean usurpation of the High Priesthood. And, in fact we find that our Sect held Zadok and his descendants, the rightful heirs of the High Priesthood, in high esteem (p. 5, l. 5; p. 4, l. 3; comp. the editor's *Introd.*, pp. XIII, XXI). And, as we

have seen above, the boycott of the Jerusalem Sanctuary was a necessary condition to the entering into the New Covenant of our Sect. We may, therefore, conclude that the parent body of our Sect was no other than the party that rose up in opposition to John Hyrcanus and demanded that he should restore the office of the High Priesthood 'to the seed of Aaron' (i. e. the descendants of Zadok; comp. b. *Kiddushin* 66a, where ינאי המלך is an obvious error for הוֹרֵקְנִים). This party must have contained many heterogeneous elements. There must have been in its ranks the members and dependents of the old disinherited Zadokite families, and the descendants of the former Hellenistic enemies of the Maccabees—soon known as *Sadducees*; then the moderate teachers of the Law and their followers—the *Pharisees*; the extreme Pietists or *Hasidim* who in a former generation had welcomed the Zadokite Alcimus against Judas Maccabaeus; and finally members of the Apocalyptic circles and other sectarians. These conflicting elements were for a time held together by their common aim to bring about the restoration of the Zadokites to their priestly dignities. But dissension soon broke out within the mixed ranks of the party. The Sadducees betrayed the cause by going over to the Hasmoneans. The remaining elements were divided by their divergent religious doctrines and practices. One leader, styled in our document the Teacher of Righteousness, or the Only Teacher, went so far in his opposition to the official priesthood, as to urge the complete rejection of the Temple, its ritual, its Calendar, and the whole established religious polity maintained by the Hasmoneans—all of which was based on Pharisaic principles. Another leader, styled in our document 'The Man of Mockery' or of Lies,⁴ who, no doubt, had the majority of the Party behind him, strenuously opposed the extreme fanaticism and the schismatic tendencies of the 'Teacher.' And

⁴ This title would suit admirably the Sadducees who were known for their mockery; comp. p. *Hagigah* 3, 5; Abot derabbi Nathan 5; Matthew 22, 23 ff. But from the assertion in our document that the followers of the Man of Mockery suffered heavily in the massacre, it is evident that the term refers to the Pharisee leader. As our text is, however, merely an abstract of a larger work, it is also possible that a confusion has arisen in the abstract between the אֲנָשִׁי לָצֶוֶן or Sadducees, and the בְּנֵי הַחֲזִין, or Pharisees, both of whom were opposed to our Sect.

then broke out the ruthless suppression of the Party, whose members were slaughtered by the sword (comp. the Baraita in Kiddushin cited above; Josephus, *Ant.* XIII, 10, 5 f.; *Wars* I, 2, 8). It is possible that the Teacher, whose death is referred to in our document, was slain in the massacre. And having become a martyr for his doctrines, he was invested by his followers with Messianic attributes (p. 6, l. 10 f.; 2, l. 12; 20, l. 1, etc). After a whole generation of bloody persecution and complete disorganization, there arose the דורש התורה or the מְחַוֶּקֶק (p. 6, l. 7, 9.) who organized the remnants of the Teacher's adherents and emigrated with them to the land of Damascus, where they were received cordially by its Seleucidian rulers, as enemies of the hated Hasmoneans, and where they established themselves in towns and villages (= camps) in accordance with the principles of the Teachers, and on a constitution evolved by the מְחַוֶּקֶק.

But the members of our Sect were not the only Judean fugitives who made their way to Syria. Other victims of the Hasmonean persecution also fled to Syria just as to Egypt.⁵ Among them were followers of the 'Man of Mockery' who carried over into their new home their antagonism to our Sect, and induced many of its members to leave it. This explains the fierce denunciations of apostates, and the threats of human and Divine vengeance against them, to be found in our document (p. 8, l. 1 ff.; 1. 4 ff.; 18 f.; p. 19, l. 13 f.; 16 ff.; p. 20, l. 8, 25 f.). It also explains the fierceness of temper pervading throughout the hortatory parts of the document. At a later stage, we gather from an incidental remark (p. 20, l. 10 f.), the 'Man of Mockery' returned to Judea accompanied by members of the Sect.

The text supplies us also with dates which enable us to determine approximately the chronology of the history of the Sect down to the composition of the original work upon which our fragments are based. We are told that the Teacher arose twenty years after the formation of the parent body from which our Sect originated (p. 1, l. 10). Further that forty years elapsed from the death of the Teacher to the final suppression of the

⁵ e. g. Joshua b. Perahiah in the time of Hyrcanus (b. Soṭah 47a) and Judah b. Tabbai in the time of Jannaeus (p. Ḥagigah 2, 5; comp. Isaac Halevi, *Dorot Harisichonim* I, p. 476 f.).

Sect (p. 20, l. 14, f., 17 [= ... זא] f., 22 f.⁶). Taking these figures to stand for half a generation and a whole generation respectively, we obtain an interval of a generation and a half between the formation of the original party of opposition to the Hasmonean High Priesthood, and the emigration of our Sect to Syria. We may assume that the opposition party was formed at the beginning of the rule of Hyrcanus (= 135 B. C. E.). Nay, it is even possible that this opposition arose already in the lifetime of Simon, and that his murderer Ptolemy counted upon support from this opposition party, when he sent to seize Jerusalem and the Temple (I Maccab. 16, 20; cf. also Halevi, *l. c.*, p. 390). If so, then the Teacher arose in the middle of the rule of Hyrcanus (135-105 B. C.), say after 120 B. C. Allowing a few years for the activity of the Teacher, his death must have occurred towards the end of Hyrcanus' rule, when the struggle broke out between the Hasmonean High Priest and the opposition party (comp. b. Berakot 29a). The emigration of the Sect to Syria occurred a whole generation later, i. e. toward the end of the reign of Jannaeus (104-78 B. C.), when the latter had secured his final triumph over his Jewish enemies in the civil war (Josephus, *Ant.* XIII, 14, 2), say c. 85 B. C. The return from Syria to Jerusalem of the 'Men of Mockery' with members of our Sect, would therefore have taken place in the peaceful reign of Salome Alexandra (78-69 B. C.). And the composition of the original work upon which our fragments are based seems to belong to the year 63 B. C., when Pompey was setting out from Damascus to invade Jerusalem. For it is this first Roman conqueror of Judea who seems to be in the mind of the writer when he says הוּא רֹאשׁ מַלְכֵי יוֹן הַבָּא לַעֲשׂוֹת בָּהֶם נִקְמָה (p. 8, l. 11 f.; p. 19, l. 23 f.). The writer may have actually been an eye witness of the suit brought by the sons of Jannaeus before Pompey in Damascus, and of the subsequent march of the Romans from Syria to Jerusalem.

⁶ It may be pointed out here that the whole of this undoubtedly original and very important passage, beginning וּמִיּוֹם (p. 20, l. 13), and ending with אֵל (l. 24), is not in its right place, as it disturbs the connection of the preceding and following passages, both of which deal with the fate of apostates.

NOTES ON THE TEXT

- P. 1, l. 19. **ויבחרו בטוב הצואר**. The editor suggests to read **בטוב העובר**. But the text seems to be correct, as it is a reminiscence of Hosea 10, 11. 'They chose *sleekness of the neck*,' i. e. they preferred worldly comfort to righteousness. Comp. Ps. 73, 7; Job 15, 27.
- P. 2, l. 6. **בו**. The text would be greatly improved if we read **בִּיד**: 'But power and might and great wrathby the hand of all angels,' etc.
- L. 9 ff. I suggest to read as follows: **יִדַע (= ויודע) את שני מעמדם**, and to transfer the whole sentence **עולם ... וידע** to line 12 after **מזרעם**; comp. p. 4, l. 4 f. Further, to regard **משיחו רוח קדשו** (l. 12) as in apposition (comp. p. 6, l. 1), and **והוא אמת** (l. 12-13) as a parenthetical ejaculation by the writer to insure the belief of the reader; comp. Dan. 8, 26; 10, 1; 11, 2; Apocalypse of John 19, 9; 21, 5; 22, 7. I would thus translate the whole passage as follow: (l. 8: **ויתעב**) "And He contemned *their* generation⁷ till they were consumed. (l. 11 **ובכולם**) But in all these wicked generations He raised up for Himself men called by name to fill the face of the world with their seed. (l. 9 **וידע**) And He has made known the years of their station and the number of their sufferings and the explanation of their periods unto all that will exist throughout eternity. And the *happenings of eternity*⁸ (sc. He has made known), what will occur in their periods throughout all the years of eternity. (l. 12 **ויודיעם**) Yea, He has made them known through His Anointed, even the Anointed of His Holy Spirit (and it is true!); and also the explanation of their names⁹ (sc. He has made known). But those whom He hated He led astray" (comp. Ezek. 20, 25).

The passage is thus somewhat parallel to p. 4, l. 4 ff. From the latter passage it is evident that the writer pos-

⁷ **דורותיהם**; comp. the writer's note on the passage in this REVIEW, New Series, II, p. 133.

⁸ See the last footnote.

⁹ **שמותיהם** as emended by the editor.

sessed a work containing a list of the leaders of the Sect and a history of their lives and works. But from our present passage, it would appear that that work began with a history of the Teacher, written probably in the first person, and continued down to the time of our author, and hence our author regarded the work so possessed of a prophetic character. מעמר may perhaps mean the office of the קריאי שם; comp. Isa. 22, 19; I Chron. 23, 28; and also the expression אנשי מעמר, Mishnah Ta'anit 2, 1, etc.

- P. 4, l. 2 שבי ישראל. The editor reads שְׁבִי 'the captivity of,' and further suggests that it may be pointed שְׁבִי 'the repentants of.' I believe the right reading is שְׁבִי 'the Elders of' (comp. Job 15, 10. Note also the spelling in l. 11 and p. 7, l. 13). The writer interprets הכהנים figuratively as 'chiefs or elders' (comp. II Samuel 18, 18; Ps. 110, 4). This reading seems to me proved by the statement in p. 6, l. 6 of אשר קרא אל את כולם שרים — שבי ישראל.

- L. 9. I suggest to insert למספר after הקין, as in the following line. This would remove the grammatical difficulty of the Text.

- L. 15. אשר אמר read כאשר א' comp. p. 6, l. 7 f., 13; p. 8, l. 9, 14 (= 'וכאשר א'); p. 19, l. 11, 26 (= 'וכאשר א'). This slight emendation removes the difficulties from all the passages cited.

- L. 16. I take ויתנם פניהם (better ויתן) to refer, like בהם, to the three nets, the meaning being that 'he (= הוא, Belial) set up these three nets in opposition over against the three virtues' (= מיני הצדק). The three virtues seem to have been so well known that they required no special mention. The second suggestion of the editor on this passage is rendered untenable by the use of the verb תפש in l. 18, below.

- L. 20. בשתי נשים. The editor regards this as anticipatory of נשים. But this is altogether improbable and unnecessary. The word simply means 'by two' of the three nets, viz. fornication and pollution of the Sanctuary (p. 5, l. 6). The בוני החוץ are not specially accused of robbery. P. 6, l. 15 only gives the promises made on entering the New Covenant, and we

- should supply there **ולחזור** before **ולגזול**; comp. above p. 303.
- P. 7, l. 5. **יסודו ברית**. I would emend **יסורי הברית ברית**. 'In accordance with all the *Foundations of the Covenant*, then the Covenant of" etc.; comp. p. 10, l. 6 and the editor's *Introd.*, p. xvi.
- L. 21. **הפקודה הראשון**—The massacre of the parent body of the Sect of the Hasmoneans, as opposed to the 'second visitation' at the Resurrection of the Teacher; comp. p. 8, l. 2 f.; p. 19, l. 14 f. and particularly l. 10.
- P. 8, l. 8. **ולא נזרו מעם**—viz. from the bulk of the Jews. Contrast l. 16 below, and cf. p. 4, l. 11. As is proved by the more correct text in B (p. 19, l. 16), the whole passage beginning here with line 4 is directed against apostates from the Sect. But owing probably to some defect in the text, the denunciation against apostates passes into a denunciation against the original opponents of the Sect (l. 12 f.).
- L. 13. ... **אשר**. The editor translates as if this was the substance of the false prophecy. It is better to take the words as a causal clause (**אשר** = **יען אשר**). **ואשר** in the next line = **וכאשר** (comp. above note on p. 4, l. 15), the writer desiring to prove the sinfulness of his contemporaries from the words of Moses.
- L. 20-21. **נערו הוא**. This is evidently a gloss which disturbs the context, as seen from the parallel in B, p. 19, l. 33. Other glosses occur in p. 4, l. 19 (**הצו יטיפון**); p. 5, l. 17-19 (**כי בה ... ונשבועותיהם**) (בו הראשונה). They belong to some student of Apocryphal Midrashim. In l. 21 we must supply **כל** before **בן** from B, p. 19, l. 33.
- P. 9, l. 1-2. I believe that **הוא** belongs to the preceding **להמית**, and that the following **ואשר** with the verse quoted, forms an introduction to the new law which is derived from this verse. Such introductory verses are also found below in l. 8-9 and in p. 16, l. 6, f. Line 1 will therefore read as follows: 'Any man who will *devote* a man by the statutes of the Gentiles, he is to be slain.'

- L. 14. The **מבקר** must have been originally the officer entrusted with the examination of charges against members of the Sect, and also with the examination of neophytes and repentants; comp. p. 13, l. 11 ff.; p. 15, l. 10 f. Gradually, however, his powers and influence extended, until he became the direct ruler of the community. The office of the **מבקר** is thus of native origin, and has no connection with the Roman Censor (as supposed by the editor, *Introd.*, p. xxiii, note 41).
- P. 10, l. 11, 13. **מרעיל**. The editor emends **מטביל**, but this emendation does not give a smooth text; nor is it likely that the error would have been repeated within two lines, especially in the case of such a well-known word. I would suggest to retain **מרעיל** and to translate 'wrapping or covering up'; comp. **רעלות** 'veils' Isa. 3, 19; **רעולות**, Mishnah Shabbat 6, 10.
- P. 11, l. 12. **ימרא**. The editor translates 'provoke.' The exact meaning seems to be 'stir up, encourage' to work; comp. **ממרין את היונים** b. Shabbat 25b; see Rashi and Kohut, *s. v.*
- P. 16, l. 14-15. **מאכל אחיו ל...** Read perhaps **מאכל אחיו ל...**. It may be that according to the rules of the Sect, a man could render the consumption of his neighbor's food unlawful by dedicating it to some holy purpose; hence the prohibition in the text. According to Rabbinic law one could not dedicate another man's property. Mishnah 'Arakin 8, 5. Perhaps **לגוי** stands for **לגוי**.¹⁰

¹⁰ I may perhaps be allowed to correct here a *lapsus calami* in my first article (*JQR.*, New Series, II, p. 133-4). I stated that the expression **ער לא** in our text is an Aramaism. As a matter of fact, it is also found in biblical Hebrew (Proverbs 8, 26). Our text is then entirely free from all *direct* Aramaic influence.

ADDITIONS AND CORRECTIONS TO MISCELLANY OF LEXICAL AND TEXTUAL NOTES ON THE BIBLE

(*JQR.*, New Series, II, 97-132)

P. 99. The same explanation of Zech. 6, 3 has already been proposed by Chajes (*Rivista Israelitica*, III, 50; *Giornale della Societa Asiatica Italiana*, XXIII, 227).

Ibid., Rabbinic אומצא *raw meat* does not belong to אמין but to Syriac 'umṣā "bit," as I am informed simultaneously by I. Löw, Th. Nöldeke, L. Ginzberg.

Ibid., l. 6 from below. R. 383 for 388.

P. 102. The explanation of נָהָה = Arabic *uajh* is already given by Strack on Prov. 17, 22.

P. 113, l. 16 from below. R. תבו אתך for תבואתך.

P. 114 (on I Sam. 23, 16). Comp. already Chajes, *GSAL.*, XXII, 286.

P. 115, l. 6. R. I Kings 15, 13 for 30 and add the Hebrew text of the verse.

P. 116 (on Isa. 44, 11). Chajes proposes to read מַאֲדָמִים (*Riv. Isr.*, II, 21).

P. 117, l. 7 from below. R. אִשְׁלָה.

P. 118 (on Ez. 18, 7). Further examples of the ancient case ending ם (*waw compaginis*) are now to be found in the Calendar of Gezer (*Ephemeris f. semit. Epigraphik*, III, 38 ff.).

My explanation of חבלתי is supported by the rendering of the LXX (comp. *ZDMG.*, LX, 267).

P. 121, l. 11. R. מקרטי for מקרשם.

Ibid. (on Mic. 5, 13). The correction עריך for עריך has already been proposed by Halevy (*Rev. Séém.*, XII, 213).

P. 122 (on Zech. 12, 8). The same explanation of כמלאך is already given by Chajes (*Riv. Isr.*, III, 53).

Ibid. (on Ps. 10, 17). My statement that הכין לב occurs elsewhere only in a reflective sense is not right. For I Chr. 29, 18 we read והכין לבבם אליך. Nevertheless I maintain my explanation of Ps. 10, 17.

P. 126, l. 11 from below. R. Prov. 28, 1 for 25, 1.

P. 127 (on Cant. 3, 6). The reading מקטרת was already proposed by Schlottmann (in conformity with Aquila and Jerome).

P. 131 (on I Chr. 29, 22). Add: comp. I Kings 1, 34-35.

Königsberg

FELIX PERLES

NOTES ON "THE POLITY OF THE ANCIENT HEBREWS," BY JUDGE SULZBERGER

To the very suggestive Lectures on the "Polity of the Ancient Hebrews," (*JQR.*, N. S., III, 1 ff.) the following may be added:

P. 36. That Joash was chief of Ophrah is suggested also by Abrabanel in his Commentary on Judg. 6, 16, 31.

P. 52. That insulting parents is punished with death is stated by Philo (*Tischendorf, Philonea*, 77) and Josephus (*c. Ap.*, II, 27 and 30). They seem to have derived this anti-traditional law (see Sanhedrin 7, 8) from Deut. 27, 16 having interpreted *Arur*, as suggested by Judge Sulzberger (pp. 52, 61-2, 65), to mean death-sentence.

(That Josephus interpreted *Arur* to mean death punishment is evident also from his statement (*c. Ap.*, II, 27) that a judge who takes bribes is punished with death. It is generally believed that this law of Josephus is a conscious deviation from the Law, intended to glorify the Jewish sense for justice. It is, however, more probable that Josephus derived this law from Deut. 27, 25 where *Arur* is stated to be the punishment of לִקַּח שֹׁחַד.)

The Karaites, relying on Deut. 27, 16, hold that every manner of insulting parents is punished with death; see Mibḥar on Ex. 21, 17. The fifteenth century Karaite Elias Bashyazi (Intr. to his אֲדָרַת אֵלִיהוּ) states: וְטַעַם אֲרוּר הוּא כֵּרַת בְּמִיתָה.

Abraham Ibn Ezra seems to have interpreted *Arur* as כֵּרַת punishment; see M. Friedlander, *JQR.*, VIII (1895-6), 144, n. 1. That *Arur* pronounced against the removal of landmarks מְסִינֵי נְבוֹלָה (Deut. 27, 17) implies punishment (*Lectures*, p. 62) is very probable. The Romans also permitted the killing of such an offender (Plutarch, *Numa* 16).

P. 53. For the interpretation of מורה in Deut. 21, 8 as "a teacher" (of rebellion) see Sifre *ad loc.*: שמרה לעצמו דרך; ומרה: או יהיה סרר; אחרת; see also Abrabanel in his commentary *ad loc.*: ומרה שהוא סר מדרך השכל ולא דיו שהוא חוטא אלא שהוא גם מחטיא את הרבים ומרה אותם דרך פשעיו.

P. 56. That סרה in Deut. 19, 16 indicates the nature of the crime (apostasy) is stated also by Ibn Ezra, *ad loc.* Ps.-Jon. and Onkelos who translate סרה by סטיא also seem to take סרה to mean idolatry; see Levy, *s. v.* סטיא, Kohut, *s. v.* סטא.

P. 67. That by משפחת מטה אביהם (Num. 36, 6) recognizable kinsmen are meant is also the opinion of Philo; see also *Werke Philos*, II, 141, n. 1.

P. 20, l. 3, read 153, 600.

Marietta, Ohio

BERNARD REVEL

ḤEFES B. YAŚLIAH'S LOST BOOK OF PRECEPTS

WHILE engaged in preparing a descriptive catalogue of the Genizah fragments which are now at the Dropsie College, I came across a codex of $36\frac{1}{2}$ paper leaves written in Arabic. This fragment forms part of a collection which came from the Cairo Genizah. It was acquired in 1891 by Dr. Cyrus Adler who recently presented it to the Dropsie College.

There are in this fragment six fascicles which are unequal in the number of their leaves, and are fastened together by a string.

Fascicle 1 has four leaves;

Fascicle 2 has six leaves;

Fascicle 3 has three leaves;

Fascicle 4 has eight leaves;

Fascicle 5 has twelve leaves;

Fascicle 6 has three and a half leaves.

The measurements of the leaves is $7\frac{1}{8} \times 5\frac{7}{8}$ ins. (= 17.6 x 13.5 cm.).

Fascicle 1 hangs rather loosely, and even a superficial glance will detect that some fascicles are missing between fascicle 1 and fascicle 2. Moreover fascicle 1, although written probably by the same hand as the others, differs from the rest in two respects:

1) The paper is of a lighter hue; 2) the number of lines on a page of fascicle 1 ranges between 18 and 19, whereas the pages of the other fascicles have 23, 24 and 25 lines.

After a careful perusal of this MS., I found that fascicle 1 is part of a book of Responsa on widely different subjects, while the others form part of the Book of Precepts of Ḥefes b. Yaśliaḥ. As is well known, that Gaon, or ראם אלכל, as he is styled in our codex, composed a Book of Precepts which was quoted with great respect by the best mediæval Jewish authorities. No trace, how-

ever, of this book has been found in modern times (comp. L. Ginzberg, *Jewish Encyclopedia*, s. v.; S. A. Poznański, *אוצר ישראל*, s. v.; A. Marx, *JQR.*, New Series, I, 439).

From the fragment in question we may safely infer that the Book was divided into parts (פצ'ל), sections (קסם), and precepts (שריעה.) Our MS. begins with the middle of precept 8, section 3, part 3.

Section 3 of part 3 contained 9 precepts, and ends on fol. 6b, l. 22.

Section 4 of Part 3 contains 11 precepts which end on fol. 12b, l. 3.

Part 4 contains 3 sections, all of which together have 36 precepts. This part begins on fol. 12b, l. 4, and ends on fol. 29a, l. 16. It bears the superscription אלפצל אלר מן אלשראיע תאליף ראם אלכל חפין בן יצליח.

Part 5 contains 9 precepts, and bears a similar superscription. It begins on fol. 29a, l. 17. We only reach as far as precept 3 which is rather a long one. It begins on fol. 31a, l. 15, and continues till the end of 36a, when the MS. breaks off. Fol. 36b is blank.

On the whole the MS. is well preserved, and the writing is the ordinary square with a tendency to cursiveness. By all likelihood the MS. dates from the eleventh century.

At some future date I hope to prepare an edition of this fragment, and supply it with a translation, introduction, and notes. But for the present I thought it worth while to announce to scholars interested in this subject the existence of this Book of Precepts, as it may lead others to discover more leaves of this important work.

Whether the Responsa belong to Hefes b. Yaşliaḥ or not I am for the moment not prepared to decide. No authorities whatsoever are mentioned.

"MAN BY MAN," JOSHUA 7, 17

BY MAX L. MARGOLIS, Dropsie College

IN his Lectures on "The Polity of the Ancient Hebrews" (*JQR.*, New Series, III, 1 ff.) Judge Sulzberger has occasion to cite the "classical text" in Josh. 7, 16-18 bearing on the subject of the Israelite army organization and, after giving his own version, aptly remarks: "The text is slightly defective, but a careful reading of it justifies this translation."

The text in question is indeed faulty. The two English Versions (Authorized, Revised) reproduce the Hebrew text as commonly printed. As the differences between the two Versions are only verbal we may transcribe here the Revised. "(16) So Joshua rose up early in the morning, and brought Israel near by their tribes; and the tribe of Judah was taken: (17) and he brought near the family of Judah; and he took the family of the Zerahites: and he brought near the family of the Zerahites man by man; and Zabdi was taken: (18) and he brought near his household man by man; and Achan, the son of Carmi, the son of Zabdi, the son of Zerah, of the tribe of Judah, was taken."

One need only turn to verse 14 to realize the two points wherein the received text is at fault. Verse 14 reads in the Revised Version (which again differs only verbally from the Authorized): "In the morning therefore

ye shall be brought near by your tribes: and it shall be, that the tribe which the Lord taketh shall come near by families; and the family which the Lord taketh shall come near by households; and the household which the Lord shall take shall come near man by man." Accordingly, the divisions are: the tribe (שבט), the family (משפחה), the household (בית), the man (נכר). We should therefore expect verse 17 to have read: "And he brought near the tribe of Judah by families; and he took the family of the Zerahites: and he brought near the family of the Zerahites household by household; and Zabdi was taken." Such, in substance, is the version accepted by the learned Judge, and he is sustained by modern commentators.

When we approach the Hebrew of verse 17, the substitution of לבתים (household by household) for לגברים (man by man) is a self-evident remedy. As for the beginning of the verse, all that is required is a change in the pointing of the first משפחת: in the received text it is pointed מִשְׁפַּחַת (family, in the singular), but we should point the word מִשְׁפָּחַת (families, in the plural). Accordingly, what the author intended was: "And he brought near the families of Judah"—which is indeed an abbreviated expression for the phraseology postulated on the basis of verse 14: "And he brought near the tribe of Judah by families."

The two forms of the text, the received and the emended, may now be placed in juxtaposition:

Received Text	Emended Text
וַיִּשְׁכֶּם יְהוֹשֻׁעַ בְּבָקֶר וַיִּקְרַב אֶת יִשְׂרָאֵל	וַיִּשְׁכֶּם יְהוֹשֻׁעַ בְּבָקֶר וַיִּקְרַב אֶת יִשְׂרָאֵל
לִשְׁבֹּטָיו וַיִּלְכֹּד שְׁבֹט יְהוּדָה ^{17a} וַיִּקְרַב	לִשְׁבֹּטָיו וַיִּלְכֹּד שְׁבֹט יְהוּדָה וַיִּקְרַב
אֶת מִשְׁפַּחַת יְהוּדָה וַיִּלְכֹּד אֶת	אֶת מִשְׁפָּחַת יְהוּדָה וַיִּלְכֹּד אֶת
מִשְׁפַּחַת הַזְּרָחִי ^{17b} וַיִּקְרַב אֶת	מִשְׁפָּחַת הַזְּרָחִי וַיִּקְרַב אֶת

משפחת הזרחי לגברים

משפחת הזרחי לבתים

וילכד זבדי ¹⁸ ויקרב את ביתו

לגברים וילכד עכן בן כרמי

בן זבדי בן זרח למטה יהודה

The Emended Text is printed as above by Bennett in Haupt's Bible (1895). In his Notes (page 26) we read: "משפחת, with some MSS. and Ⲅ (Septuagint) Ⲛ (Vulgate); לבתים, with Ⲛ (Vulgate) Ⲙ (Peshitta) and some MSS., Dillmann, &c." He also remarks: "Ⲅ (Septuagint) ⲕ (omits) 17b and את ביתו in 18; which Hollenberg (*Progr.* 13) is inclined to follow."

As will be noted, the authority of the Septuagint is adduced for the first change (משפחת), but not for the second (לבתים), obviously because, with Hollenberg, he finds verse 17b to have been wanting in the Septuagint, though he is not ready to follow Hollenberg in the assumption that the second half of verse 17 is a late addition in our Hebrew text which should be excised. Driver in Kittel's Bible (second edition, 1909) at least notes that ten manuscripts of the Greek read "by households"; but that is still far from saying what the original Greek translator read and wrote.

The aim of the present paper is to show that the verse-half in question was present in the Septuagint and that furthermore the translator read in his Hebrew text לבתים.

But before the argument is presented in substantiation of my double contention it may be well to ascertain upon what authority the Received Text rests or who are its witnesses.

Both Baer and Ginsburg print the two obvious errors: לַגְבֵּרִים and מִשְׁפַּחַת. Baer has nothing to say on the former; with regard to the latter he remarks: "The Soncino edition prints faultily לְבָתִּים." The Soncino edition of the Prophets (1485-1486) is the first print of that part of the Scriptures. According to Ginsburg, the second print of the Prophets in the first print of the entire Bible (Soncino 1488) has likewise לְבָתִּים. The other books (סְפָרִים אֲחֵרִים) which, according to Ginsburg, read מִשְׁפַּחַת and לְבָתִּים are certain manuscripts enumerated by Kennicott and De-Rossi.¹ De-Rossi adds that "by households" is found not only in the Vulgate and the Syriac Peshitta, but also in the Aldine edition of the Septuagint, on the authority of Fischer, *Prologus de versionibus Graecis* 8, Leipzig 1772, page 156, who favors this reading, though Masius accepts the current reading "man by man." I have Fischer before me; he adds that the reading is apparently supported by verse 14.

When prints and manuscripts differ, recourse must be had to (a) Masoretic evidence and (b) the testimony of the Jewish mediæval commentators.

According to the Masorah on Num. 3, 23,² four instances of מִשְׁפַּחַת (singular) occur in Leviticus and Joshua (or Genesis, Exodus, Leviticus, and Joshua), to wit: Levit. 25, 47 and the three in Josh. 7, 17. Hence the pointing מִשְׁפַּחַת at the head of verse 17 is recognized by the Masorah and the reading מִשְׁפָּחוֹת must be pronounced contrary to the

¹ מִשְׁפָּחוֹת, so with vowel letter indicating the plural, Kenn. 182, 250; 548 and 598 in the margin; 155 first hand, i. e. under the subsequent correction; לְבָתִּים 253, 257, 260, 524, 583 margo, 366 over an erasure, לַגְבֵּרִים —both readings together—531; De-Rossi 305 first hand, 20, 174, 663 over an erasure, 716 in the margin.

² See Ginsburg, *The Massorah*, letter מ, No. 846, compare also No. 847a.

Masorah.—A list in Ginsburg, letter ל, No. 14, consists of words beginning in ל each of which is found only once in Scripture (רִישֵׁהוּן ל וכל חר וחר לית דכותהון); among them figures לַבְתִּים of Josh. 7, 14. Hence the reading לַבְתִּים in verse 17 is ruled out by the Masorah and לַנְבָרִים there is substantiated as Masoretic.

As for the Jewish commentators, Kimḥi's exposition makes it plain that he read לַנְבָרִים and מִשְׁפַּחַת. According to him, "the family of Judah" is the same as "the tribe of Judah"; supply לַמִּשְׁפָּחוֹת "by families." The first לַנְבָרִים he paraphrases by לַאֲנָשִׁי רֹאשִׁי בְּתֵי הַמִּשְׁפָּחָה "man by man who is the head of a household," while the second נְבָרִים means הַבֵּית אֲנָשִׁי the individual members of the household.

But we have earlier evidence for the reading לַנְבָרִים in verse 17. In the first place the Targum has it (לַנְבָרִיא; the Targum also pointed the first מִשְׁפַּחַת in the singular, וְרַעֲיָה, Praetorius, *Das Targum zu Josua*, 1899). But we may ascend still higher. We find it in the Septuagint recension of Origen which dates from the middle of the third century of our era.

Origen's recension with its critical signs³ is extant in the Syriac translation of Paul of Tella (616-7). It was published by Lagarde (1892) from a British Museum manuscript and the critical signs where faultily placed or entirely wanting were restored from the commentary of Masius⁴ who had before him another manuscript which has since disappeared.

³ A plus found in the Hebrew but wanting in the Greek text which was subjected to revision was introduced by an asterisk, *, and closed by a metobelus, : or ↓.

⁴ Andrew Du Maes, died 1573. His work on Joshua appeared in 1574; it is excerpted in the second volume of the *Critici Sacri*.

The Syriac text of verses 17 and 18 reads as follows (to obviate typographical difficulties it is given in Hebrew type) : ואתקרב איך טוהמא * יהודא ↓ ואתחוי טוהמא דורח < ואתקרב : טוהמא דורח > נברא נברא * ואתחוי זכרי ואתקרב ביתא דילא נברא נברא ↓ ואתחוי עבר ברה דכרמי ברה דזכרי ברה דורח * מן 'ערבתא דיהודא ↓.

The words enclosed within < > are missing in the manuscript (and are omitted by Lagarde). Whether the omission occurred at some stage in the Syriac transmission of the text or was present in the Greek archetype upon which the translation was based is immaterial. It is simply a case of aberration of the scribe's eye from the first דורח (or its Greek equivalent) to the second (homoioteleuton).

The Greek for the Syriac as given above is extant in the manuscripts underlying Lagarde's edition of the Greek Old Testament (1883; one of those manuscripts served as the basis of the first printed edition of the Septuagint in the Complutensian Polyglot). There is a gap right at the start the nature of which escaped Lagarde. He prints in brackets *και προσηχθη κατα δημους*. But one more word should be added: *ισδα*. The scribe's eye wandered from *ισδα* with which verse 16 closes to *ισδα* of verse 17. Hence the full text reads: *< και προσηχθη κατα δημους ισδα > και ανεδειχθη δημος ο ζαραν και προσηχθη δημος ο ζαραν κατα ανδρα και ανεδειχθη ζαβδει και προσηχθη ο οικος ανδων κατα ανδρα και ανεδειχθη αχαρ υιος χαρμει υιον ζαβδει υιον ζαρα της σιμλων ισδα*.

As will be observed, the critical signs are missing. The two texts supply each other's deficiencies admirably. Origen accordingly wrote: *και προσηχθη κατα δημους * ισδα: και ανεδειχθη δημος ο ζαραν και προσηχθη δημος ο ζαραν κατα ανδρα(ς) * και*

ανεδειχθη ζαβδει και προσηχθη ο οικος αυτου κατα ανδρα; και ανεδειχθη
αχαρ υιος χαρμει υιον ζαβδει υιον ζαρα * της φυλης ιουδα;

It is obvious that Origen read in his Hebrew of verse
17 לַנְּבִירִים κατα ανδρα(ς), comp. לַנְּבִירִים κατα ανδρα verse 18.

The error in the Hebrew is as old as Origen.

We may take it for granted that all such manuscripts of the Septuagint as exhibit the reading κατα ανδρα(ς) in verse 17 were influenced by Origen's recension.

Two such manuscripts are F (Ambrosianus) and n (a Mount Athos manuscript hitherto uncollated of which photographs have been secured by the Dropsie College. It is related to some twelve manuscripts grouping around the *Catena Nicephori*, but has readings of its own). They diverge at the end, but otherwise present a text substantially identical: Fn και προσηχθη κατα δημους ιουδα και ενεδειχθη δημος ο ζαραι (F reads ζαρι) και προσηχθη δημος ο ζαραι κατ(α) ανδρας * και ενεδειχθη ο (omitted in F) οικος ζαμβρι και προσηχθη ο οικος (F adds αυτου) κατ(α) ανδρα(ς) * και ενεδειχθη αχαρ

÷
n υιος ζαμβρι υιον ζαρα ο τον χαρμει υιον αυτου

F ο υιος χαρμει υιον ζαμβρει υιον ζαρα

Fn της φυλης ιουδα.

Opposite the portion which is enclosed above between two upper points there is found on the margin of n an asterisk (*). To the sign ÷ over ζαμβρι corresponds in the same manuscript on the margin ÷ χαρμει by the first hand.

Both texts have Origen's additions. Both have the telltale κατ(α) ανδρας in verse 17. Both however, write ζαμβρι in the place of ζαβδει. In this they revert to the form of the name in the Greek text antedating Origen, which form goes back to a Hebrew variant זמרי for the received זבדי. In I Chron. 2, 6 Zimri is the first-born of Zerah, the

son of Judah. As for the divergence at the end, F, barring the form *ζαμβρι*, coincides with Origen, while n text (not: margin) in common with its group members curtails the pedigree by one and then adds by way of rectification that the culprit was not really the son of Zimri, but his son Carmi's son. We shall meet below in one other manuscript belonging to a different group with the same ending.

The Origen recension underlies furthermore the uncials A (Alexandrinus) and its recently discovered congener θ (Washington Codex). Of the two A is intact, while the scribe of θ (or a predecessor of his) made an omission by homoioteleuton exactly at the place where the scribe of the Syriac has erred. Restore θ as follows:

και προσηχθη κατα δημοнос και ενεδειχθη δημοσ ο ζαραι <και προσηχθη δημοσ ο ζαραι> κατ ανδρας και ενεδειχθη αχαρ υιος ζαμβρι υιον ζαρα with which compare A: και προσηχθη κατα δημοнос και ενεδειχθη δημοσ ο ζαριει και προσηχθη δημοσ ο ζαριει κατ ανδρας και ενεδειχθη αχα (i. e. αχαν) υιος ζαμβρι υιον ζαρα.

The differences are trifling (note *αχαν* in A = עכן as in our Hebrew text; the Septuagint writes *αχαρ* = עכר, comp. I Chron. 2, 7). Both have the curtailed pedigree at the end but without the postscript which we find in n.

The manner in which the text of the two uncials was constructed is plain. It is an eclectic text. A pre-Origen text was followed in the ending (note the curtailed pedigree and the form *Zambri*); otherwise a transcript was made of Origen's revised text, omitting the additions marked by an asterisk but retaining a plus where Origen failed to mark it by signs (perhaps the signs were missing in the copy immediately before the scribe which may have been itself a transcript of Origen's text).

On the basis of the present case it might be argued that A θ constitute the text which Origen made the basis of his revision. Hence the second *δημος ο ζαραει* was unmarked from the start, since it was found in that text. But when all the evidence derived from a critical study of A θ throughout the book of Joshua is brought to bear upon the problem the inference is unavoidable that the two uncials have made use of Origen and not the reverse. Naturally A θ retained Origen's *κατ ανδρας* in verse 17.

The text which Origen made the basis of his revision is none other than the famous Vaticanus (B) or a text closely related to it. Verses 16-18 read in B: *και ωρθρισεν ιησους και προσηγαγεν τον λαον κατα φυλας και ενεδειχθη η φνιγη ιουδα και προσηχθη κατα δημοις και ενεδειχθη δημος ζαραει και προσηχθη κατ ανδρα και ενεδειχθη αχαρ υιος ζαμβρει υιον ζαρα.*

Origen, in dealing with this text, proceeded upon the assumption that *κατα ανδρα* goes with what immediately precedes it and covers *לגברים* in verse 17. and that the translator omitted *וילכד זברי ויקרב את ביתו לגברים*. He accordingly filled up the gap just as he made good the other omissions. As was his wont, he did not translate the Hebrew afresh, but made use for the parts missing of one or all of the three later Greek translators (Aquila, Symmachus, Theodotion) dating from the middle of the second post-Christian century. In all such cases he transcribed them faithfully without regard to the disharmony thus produced by welding together incongruous versions. The incongruity in the present case will become manifest as this investigation proceeds.

It is, however, possible that Origen recognized that the gap occurred before and not after *κατα ανδρα*. In placing the signs, Lagarde relied too confidently on Masius; it is not

always easy to tell whether the latter did not handle the signs of his Syriac manuscript with considerable freedom and here and there operated with conjecture. The British Museum manuscript errs when it places the asterisk too far down, but, I believe, is altogether right in putting the metobelus after *αυτου*. Accordingly, the asterisk should be moved up, against Masius, in front of *κατα ανδρα(ς)*. The Syriac certainly read *κατα ανδρας* in the plural; the reading is substantiated by AF θ n. It is true, F reads the plural also below; but n has correctly the singular in agreement with B. In verse 14 all, with exception of nsz, have the singular. It would seem, therefore, that the singular accords with the style of the original Septuagint, while the plural which is a bit more literal squares with the manner of the source from which Origen supplied the omission. If this be so, the error *לגברים* in verse 17 is shown to be as old as the times of Akiba in which period the three principal Greek translators after the Septuagint flourished. Origen's text in verses 17 and 18 will then have read as follows: *και προσηχθη κατα δημους * ιουδα: και ανεδειχθη δημοσ ο ζαραυ και προσηχθη δημοσ ο ζαραυ * κατα ανδρας και ανεδειχθη ζαβδει και προσηχθη ο οικος αυτου: κατα ανδρα και ανεδειχθη αχαρ υιος χαρμει υιου ζαβδει υιου ζαρα * της φυλης ιουδα:*

But even as corrected Origen's text rests upon a mechanical procedure. In saying this, we are not finding fault with Origen. His aim was to square the Greek with the Hebrew as he found it, the "Hebrew truth." But our task is a different one. If B, the text underlying Origen's revision, is faulty, and we are in accord with the Church Father on that score, it becomes our business to correct it. We are in a position to correct it by consulting other texts which are its congeners and by a careful study of the

manner of translation which was adopted by the author of the oldest Greek version of our book.

We are in a position to confront B with three texts which normally go with it. They are all more or less impure, contaminated with matter borrowed from Origen's revision. But the basis is a text very much like B. Into it they work Origenic additions, but in a manner of their own. The three texts are h (55 in Holmes-Parsons), the Ethiopic translation (codices FH), and the Coptic version recently published by Thompson.

Of the three, h is a mutilated text, the scribe having been guilty of two omissions due to homoioteleuton. I supply the gaps within <>. h και προσηχθη κατα δημον και ενεδειχθη δημος ο ζαραι <και προσηχθη δημος ο ζαραι> κατ ^Εοικον· ενεδειχθη οικος ζαμβρι <και προσηχθη οικος ζαμβρι κατα ανδρα και ενεδειχθη αχαρ ^Ενιος χαρμι νιον ζαμβρι>.

Deplorable as the omissions are, the significant κατ οικον is intact. (In front of ενεδειχθη the conjunction και may have also dropped out.)

The Greek underlying the Coptic (C) and Ethiopic (E) read: και προσηχθη κατα δημον ιονδα και ενεδειχθη δημος (ο) ζαραει (ζαρι E) και προσηχθη δημος ο ζαραει (ζαρι E) κατ οικον και ενεδειχθη οικος ζαμβρι και προσηχθη οικος ζαμβρι κατα ανδρα και ενεδειχθη αχαρ (αχαν E) νιος χαρμι νιον ζαρα (+της φυλης ιονδα E).

Both contain the reading κατ οικον.

Now at last it becomes an easy matter to restore the archetype of B. It read in verses 16-18 as follows: ¹⁶ και ωρθρισεν ιησους και προσηγαγεν τον λαον κατα φυλας και ενεδειχθη η φυλη ιονδα ¹⁷ και προσηχθη κατα δημον και ενεδειχθη δημος ζαραει και προσηχθη <κατ οικον και ενεδειχθη οικος ζαμβρι ¹⁸ και προσηχθη> κατα ανδρα και ενεδειχθη αχαρ νιος ζαμβρι νιον ζαρα.

The omission, it is clearly seen, was due to homoioteleuton. The archetype of B which in this case as in many others may be identified with the original text of the Septuagint had the portion now missing and in the form given above, as shown by the related texts h **CE**. For all three (in h, as we have seen, the last two words dropped out along with what follows) have the portion, and they could not have derived it from Origen, who, as was shown above, wrote *κατ ἀνδρας* for *κατ οίκους* and *ο οίκος αὐτων* for *οίκος ζαμβρι*, both in conformity with the received Hebrew text.

Internal evidence serves to corroborate my conclusions based upon the external evidence of correct grouping. The translator had before him verses 16-18 in somewhat the following form (to facilitate an understanding of my remarks below, I reproduce in the parallel column the Greek as restored) :

וַיִּשְׂכֶּם יְהוֹשֻׁעַ בַּבֶּקֶר וַיִּקְרַב
 אֶת יִשְׂרָאֵל לִשְׁבִּטָיו וַיִּלְכֹּד
 שְׁבֵט יְהוּדָה ¹⁷ וַיִּקְרַב אֶת מִשְׁפַּחַת
 יְהוּדָה וַיִּלְכֹּד אֶת מִשְׁפַּחַת הַזֹּרְחִי
 וַיִּקְרַב אֶת מִשְׁפַּחַת הַזֹּרְחִי לְבָתִּים
 וַיִּלְכֹּד בֵּית זִמְרִי ¹⁸ וַיִּקְרַב
 אֶת בֵּית זִמְרִי לְגִבְרִים
 וַיִּלְכֹּד עֶבֶר בֶּן זִמְרִי בֶן זֹרַח

¹⁶ καὶ ὤρθρισεν ἡσους καὶ προσηγγάγεν
 τὸν λαὸν κατὰ φυλάς καὶ ἐνεδειχθῆ ἡ
 φυλὴ ἰουδα ¹⁷ καὶ προσηχθῆ κατὰ
 δῆμον καὶ ἐνεδειχθῆ δῆμος ζαραει
 καὶ προσηχθῆ κατ' οἶκους καὶ
 ἐνεδειχθῆ οἶκος ζαμβρι ¹⁸ καὶ προ-
 σηχθῆ κατὰ ἀνδρα καὶ ἐνεδειχθῆ
 ἀχαρ υἱὸς ζαμβρι υἱὸς ζαρα

The translator's fondness for condensation reveals itself at the start. *וַיִּשְׂכֶּם בַּבֶּקֶר* is simply *καὶ ὤρθρισεν* "rose up early" (Origen added *τὸ πρωί*, "in the morning"). While he uses the active voice (*προσηγγάγεν*) for the first *וַיִּקְרַב* (verse 16), he proceeds in the sequel with the passive construction (*προσηχθῆ*, "was brought near"). By doing this he succeeds in getting rid of what to him seemed unnecessary repetition

though such is quite in accordance with the style of Hebrew writing. He reproduces the subject as in the Hebrew with each new sub-division introduced by the verb "was taken"; he leaves it to be supplied from the context when the sub-division "taken" is "brought near" for another sub-division. Hence beginning with verse 16*b* he writes: "and the tribe of Judah was taken; and it was brought near *deme* by *deme*; and the *deme* of the Zarahites was taken; and it was brought near household by household; and the household Zamri was taken: and it was brought near man by man; and Achar, ec., was eaken." It was left for subsequent texts (h **UE**) to introduce the explicit subject. That this is not to be laid at the door of the translator is clear from the nature of the omission in B. For with h **UE** as a basis, the textual form after the omission (aberration of the scribe's eye from the second *προσηλθῆ* to the third) would have resulted in *καὶ προσηλθῆ οἶκος ζαμβρι κατὰ ἀνδρα*. The omission of *οἶκος ζαμβρι* in front of *κατὰ ἀνδρα* in B proves my contention as to the translator's method of condensation.

The translator pointed the first מַשְׁפָּחַת in verse 17 as a plural (מִשְׁפָּחֹת). In accordance with his method of condensation, the clause "and he brought near the *demes* of Judah" became "and it (sc. the tribe of Judah) was brought near by *demes*."

The other variations between the Hebrew underlying the Septuagint and our received Hebrew text need not detain us. Of utmost importance is the reading לְבָתִּים in verse 17. As for the omission of Carmi at the end, the curtailment may and may not have been found in the Hebrew. Achan's father was omitted because he was of no moment, each warrior, N. N. son of N. N., ranging himself immediately under the household (בֵּית) which comprised a num-

ber of families in the modern sense of the word. Mez (*Die Bibel des Josephus*, 1895, 5 f.) is wrong in arguing that Carmi is an interloper; the Septuagint certainly read **בן כרמי** in verse 1. Josephus with his *αχαρος . . . ζεβεδαίου παῖς* (*Ant.* V 33) merely condensed the pedigree. In § 43 where he gives the execution of the divine order we meet with the fourfold order: *οὗτος* (**שׁבט** or **מטה**), *φρατρία* (**מישפחה**), *συνγενεῖα* (**בית**), *ἀντὴ* (**גבר**). Though he may have written with a view to verse 14, we shall not go amiss in saying that Josephus, if he had the Septuagint open before him, read *κατ' οἴκους*, and, if he worked with the Hebrew text before him, he found in verse 17 **לבתים**.

The error in the Hebrew accordingly crept in between the times of Josephus and the times of Akiba.

I will now adduce further proof for the correctness of my restoration of the archetype of B from still another quarter. A recension which is not Origen's but which a recent writer (Hautsch, *Der Lukiantext des Oktateuch*, 1910) would stamp as that of the martyr Lucian (died 311 or 312) is found in a group of manuscripts enumerated by me in the article "The K Text of Joshua" (*AJSL.*, XXVIII (1911), 1 ff.). In the present state of our knowledge it is perhaps best to forego identifying it with any one of the three recensions signaled by Jerome and to speak of it as a nameless recension (see the lucid discussion by Professor G. F. Moore, in *AJSL.*, XXIX (1912), 37 ff.). Be that as it may, the manuscripts constituting that recension divide themselves in two sub-groups, a larger and a smaller. The former which is not a pure text, contaminated as it is with Origenic matter, is nevertheless useful as a means for correcting the errors of the smaller group. The larger sub-group may itself be subdivided into a larger

group of four ($u = 84$, $l = 134$; $p = 76$; $t = 74$; $u =$ ulpt) and a smaller group of three ($f = 106$; $i =$ Cod. Gr. 609 of the Paris National Library; $z = 44$; $f =$ fiz), z departs in verses 16-18 considerably from its congeners (f) and must be studied separately. It reads: *και ωρθρισεν ιησους το πρωι και προσηγαγε τον λαον κατα φνλας και ενεδειχθη η φνλη ιουδα και προσηχθη κατα δημοις και ενεδειχθη ο ζαραι δημος και προσηχθη δημος ο ζαραι κατ ανδρας και ενεδειχθη αχαρ υιος ζαμβρι υιον ζαρα ο τον χαρμι υιον αυτου.*

The text is mutilated; but the omission is not to be put to the account of the scribe who appears to have transcribed a mutilated text. For, barring the end (it shares the postscript of n , see above), he gives a text in verses 17 and 18 substantially agreeing with $A\theta$. z accordingly steps out for our present purposes as a representative of its narrower or wider group. If we compare the text of i —it reads *και ωρθρισεν ιησους το πρωι και προσηγαγε τον λαον αυτου κατα φνλας αυτου και ανεδειχθη η φνλη ιουδα και προσηχθησαν κατα δημοις ιουδα και ανεδειχθη δημος ο ζαρα και προσηγαγον τον δημον τον ζαρα κατ οικους και ανεδειχθη οικος ζαμβρι υιον ζαρα της φνλης ιουδα*—with that of f *και ωρθρισεν ιησους το πρωι και προσηγαγε τον λαον κατα φνλας αυτου και ανεδειχθη η φνλη ιουδα και προσηχθησαν κατα δημοις ιουδα και ανεδειχθη δημος ο ζαρα και προσηγαγον τον δημον ζαρα κατ οικους και ανεδειχθη οικος ζαμβρι και προσηγαγον τον οικον ζαμβρι κατ ανδρα και ανεδειχθη αχαρ υιος χαρμι υιον ζαμβρι υιον ζαρα της φνλης ιουδα*

we discover an omission due to homoioteleuton in i , the scribe having wandered from *ζαμβρι* first to *ζαμβρι* third. f agrees in every respect (barring, of course, trifling variants) with u , their common text therefore representing one archetype. The latter ranges itself with its *κατ οικους* on the side of h **ΘΕ**; it shares *ιουδα* (verse 16) with **ΘΕ** and *της φνλης ιουδα* (end of verse 18) with **Ε**, both Origenic additions;

but it has a number of traits of its own; the plural *προσηχθησαν*, *ζαρα bis* (in the genitive), *και προσηγαγον* (active construction) *bis*. With F it has the full pedigree at the end.

As for the parallel group (R; the Old Latin of the Codex Lugdunensis (L) is an additional witness of this group), ro are practically identical. The text of verses 17 and 18 reads as follows: *και προσηχθησαν κατα δημους πατριων και ανεδειχθη δημοσ ο ζαρα και προσηγαγον τον δημον τον ζαρα κατα ανδρας και ενεδειχθη (ανεδειχθη ο) ο (omitted in o) οικος ζαμβρι και ανεδειχθη αχαρ υιος χαρμι υιον ζαρα υιον ζαμβρι κατ οικους της φυλης ιουδα*. s has suffered an omission through homoioteleuton, the scribe wandering from *ανεδειχθη* second (as he read with o for *ενεδειχθη* r) to *ανεδειχθη* third. The manuscript goes its own way with the reading *πατριας* for *δημους πατριων* ro and by cutting down the end so as to read *και ανεδειχθη αχαρ υιος χαρμι υιον ζαρα. προσηχθησαν* it shares with ufi.

The Greek underlying L read: *και προσηγαγον κατα δημους και ενεδειχθη δημοσ ο ζαρα και προσηγαγεν τον δημον τον ζαρα κατα ανδρας και ενεδειχθη ο οικος ζαμβρι και προσηχθη ο οικος κατα ανδρας και ενεδειχθη αχαρ υιος χαρμι υιον ζαμβρι υιον ζαρα.*

Disregarding unimportant variations, there remain to be singled out the transposition of *ζαρα* and *ζαμβρι* in the pedigree, the omission of *κατ οικους της φυλης ιουδα* which it shares with s, and the plus *και προσηχθη ο οικος κατ ανδρας* which it has in common with n comp. also CE. It is safe to say that the plus was introduced from another recension; L is therefore a mixed text. We must therefore fall back on ro as representatives of the sub-group RL.

But ro require correction. The order *υιον ζαρα υιον ζαμβρι* is clearly impossible. Restore on the basis of L and ufi: *υιον ζαμβρι υιον ζαρα*. As neither Carmi (first in order) nor Zarah (last in order) was a household (*οικος*), it follows

that *κατ οίκους* which was read neither by s nor by **I** stands in the wrong place. It apparently entered the text from the margin; and it stood there opposite *κατα ανδρας* which is an old error common to R**I** for *κατ οίκους*. *κατα ανδρας* belongs at the head of verse 18 and in front thereof there had dropped out by homoioteleuton *και προσηγαγον τον οικον ζαμβρι*, comp. *υfi*.

Hence the archetype of R**I** read: *και προσηνεχθησαν κατα δημοις πατριων και ανεδειχθη δημοις ο ζαρα και προσηγαγον τον δημοις τον ζαρα <κατ οίκους> και ανεδειχθη ο οικος ζαμβρι <και προσηγαγον τον οικον ζαμβρι κατα ανδρας> και ανεδειχθη αχαρ υιος χαρμι υιον <ζαμβρι> υιον <ζαρα> [I]. I am somewhat in doubt as to whether *της φυλης ιουδα* which ro have at the end stood in the archetype. The points of similarity with the archetype of *υfi* are unmistakable. Both represent a revision of B and testify to the reading *κατ οίκους* in verse 17. Interesting is the expression *δημοις πατριων* (ro; for which s has simply *πατριας*). In the parallel text I Kingdoms 9, 21 Lagarde's Lucian renders *משפחה* by *πατρια* in the place of *φυλη* of the other texts, just as it writes *φυλη* for *שבט* in the place of *σκηπτρον* of the vulgar text.*

It remains to be said that *κατ οίκους* of the Aldina goes back to the text of the group 15. 18. 64. 128 which is of a mixed character, comp. the form *ζαβδει* for *ζαμβρι*.

By way of recapitulation, I subjoin in parallel columns (a) the reconstructed original Hebrew text; (b) the reconstructed original Septuagint; (c) the recension underlying RUF**I**; (d) the recension of Origen; (e) the received Hebrew text.

<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	<i>e</i>
וּיִקְרַב ¹⁷	¹⁷ καὶ προσηχθη	¹⁷ καὶ προσηχθησαν προσηχθησαν	¹⁷ καὶ προσηχθη	וּיִקְרַב ¹⁷
אֶת מִשְׁפַּחַת	κατὰ δημονς	κατὰ δημονς πατ- ριωτ πατρίας	κατὰ δημονς	אֶת מִשְׁפַּחַת
יְהוּדָה			* ιουδα :	יְהוּדָה
וַיִּלְכֹּד	καὶ ἐνεδειχθη	καὶ ἀνεδειχθη	καὶ ἀνεδειχθη	וַיִּלְכֹּד
אֶת מִשְׁפַּחַת	δημος	δημος	δημος	אֶת מִשְׁפַּחַת
הַזֹּרְחִי	ζαραει	ο ζαρα	ο ζαραει	הַזֹּרְחִי
וּיִקְרַב	καὶ προσηχθη	καὶ προσηγαγον	καὶ προσηχθη	וּיִקְרַב
אֶת מִשְׁפַּחַת		τον δημον	δημος	אֶת מִשְׁפַּחַת
הַזֹּרְחִי		τον ζαρα	ο ζαραει	הַזֹּרְחִי
לְגִבְרִים	<κατ οικους	κατ οικους	* κατα ανδρας	לְגִבְרִים
וַיִּלְכֹּד	καὶ ἐνεδειχθη	καὶ ἀνεδειχθη	καὶ ἀνεδειχθη	וַיִּלְכֹּד
בֵּית זִמְרִי	οικος ζαμβρι	ο οικος ζαμβρι	ζαβδει	זְבִירִי
וּיִקְרַב ¹⁸	¹⁸ καὶ προσηχθη	¹⁸ καὶ προσηγαγον	¹⁸ καὶ προσηχθη	וּיִקְרַב ¹⁸
אֶת בֵּית זִמְרִי		τον οικον ζαμβρι ο οικος αυτου :		אֶת בֵּיתוֹ
לְגִבְרִים	κατα ανδρα	κατα ανδρας	κατα ανδρα	לְגִבְרִים
וַיִּלְכֹּד	καὶ ἐνεδειχθη	καὶ ἀνεδειχθη	καὶ ἀνεδειχθη	וַיִּלְכֹּד
עֶבֶר	αχαρ	αχαρ	αχαρ	עֶבֶן
		υιος χαρμι	υιος χαρμει	בֶּן כְּרָמִי
בֶּן זִמְרִי	υιος ζαμβρι	υιος ζαμβρι	υιος ζαβδει	בֶּן זְבִירִי
בֶּן זֹרַח	υιος ζαρα	υιος ζαρα	υιος ζαρα	בֶּן זֹרַח
			* της φυλης	לְמִטָּה
			ιουδα :	יְהוּדָה

INQUIRY INTO THE SOURCES OF KARAITE HALAKAH*

By BERNARD REVEL, Tulsa, Oklahoma

I will now turn to the differences known or supposed to have existed between the Sadducees and the Pharisees and examine Karaite halakah on these disputed points.

The interpretation of Lev. 16, 12-14 constituted one of the earliest differences between the Pharisees and the Sadducees. The Sadducean view and practice was (Tosefta Yoma 1, 7) that the kindling of incense in the vessel (v. 13) was to take place before the high-priest entered the Holy of Holies, maintaining that otherwise the high-priest when entering it would see the Ark,—which contravenes על הכפרת כי בענן אראה (v. 2).⁴⁹ The Pharisaic ruling and practice was that the incense is to be put on the coals in the Holy of Holies itself (T. K. Aḥare Mot. 3; Tosefta Yoma 1, 7; Yoma 19b; 53a; p. *ib.*, 1, 5 (39a)). The Karaites agree with the Pharisaic interpretation of these verses. See Mibḥar, *ad loc.* (27a): ונתן את ונו' אחר: הכנסו מיר שלא יראה הכפרת; so also בחר תורה, *ad loc.* (42b): בנראה שקטורת מבניסה על ידי כלי אחר ובהכנסו נותנה על המחיתה.

The authenticity of Megillat Taanit (ed. Neubauer, ch. 4), according to which the interpretation of וירקה

*Continued from New Series, vol. II, 517 ff.

⁴⁹ See בחר תורה, Lev. 41b, for the anti-Sadducean interpretation of this verse: והוא המעם שלא אראה רק בענן הקטורת. Comp. Geiger, *Jüd. Zeitschrift*, II, 29 ff., and Oppenheim, *Bet Talmud IV*, 269 ff.

בפניו (Deut. 25, 9) constituted a difference between the Pharisees and the Sadducees, is admitted by Geiger (*Jüdische Zeitschrift*, II, 28; comp. *ib.*, 95). The latter in their adherence to the letter of the Law required the יבמה to spit in his face (ממש) while the Pharisees in case of *halisah* caused her to spit before him (Yebamot 106b). The Karaites agree with the Pharisees in the interpretation of יורקה בפניו בארץ.⁵⁰ See Mibhar, *ad loc.* (22a) כנגד היבם ו"ל בפני הנעל. *ad loc.* טירת כסף. Comp.

The responsibility of a master for damage caused to others by his servants constituted, as already recorded in Mishnah (Yadain 4, 7), an issue between the Pharisees and Sadducees. The latter applied the law of Ex. 21, 35 also to damage done by one's servants. The Karaites agree with the Pharisees and reason like them. See גן עדן נזקי עבד ואשת איש אשר הזיקום אחרים משלמין אבל הם : (180c) פטורים אבל במה שיש תשלומין אינו דין שיפרע הבעל או האדון ... ואין להקיש נזקי העבד בנוקי השור כי העבד יש לו דעת ואפשר שירע לבבו ; מאדוניו ויפסיד ממון אחרים וימצא משלם comp. G. Hölscher, *Der Sadduzäismus* (Leipzig 1906), 30 ff.; Geiger, *Urschrift*, 143 ff.

The Pharisees and the Sadducees differed on the law of inheritance. According to Num. 27, 8 when there are sons and daughters, the sons are the heirs. But if the son died before his father, the son leaving a daughter, the Sadducees held that the daughter shares with her brother's daughter the inheritance. The Pharisees held that the son and all his descendants, male or female, should precede the daughter in the right of inheritance (Meg. Taanit 5,

⁵⁰ See Rapoport, דברי שלום ואמת (Prag. 1861), 11 ff.; Weiss, I, 117, note 2. Josephus (*Ant.* IV, 8, 23) translates with the Sadducees בפניו literally. See, however, Anan (Harkavy, 116): וירקה באפיה.

(Neubauer, II, 10); Tosefta Yadaim 2, 20; Baba Batra 115b-116a; p. *ib.*, 8, 1).⁵¹

The Karaite law of inheritance, as they themselves confess (גן ערן, 165b), is confused, and difference of opinion exists among them on essential points. The prominent ninth century Karaite, Daniel al Qumṣi, held that the daughter when sons are left receives a third of the inheritance (Pinsker, II, 85; comp. אדרת אליהו, 101a).⁵² Joseph b. Abraham ha-Kohen was of the opinion that the daughter's right to inheritance is equal to the son's (*ib.*, 101c; גן ערן, 165d); this, he reports in the name of David b. Boaz, was also the view of many others.⁵³ These views disagree with

⁵¹ See V. Aptowitz, *Die syrischen Rechtsbücher und das Mosaisch-Talmudische Recht*, Wien 1909, 82. His assertion that the law of Timotheos quoted there is Sadducean is mistaken. The equal rights of a daughter's son and another daughter's daughter never constituted an issue between the Pharisees and the Sadducees.

⁵² Wreschner, 41, suggests that it was taken by some of the Karaites from the Samaritans, who follow the Mohammedan law and give the daughter, when there is a son, a third of the inheritance. The Karaite law: ממון כל שאין לו (Benjamin Nahawendi, קרוב וגואל הוא לכהן הגדול המשרת המקדש, 2d; so also Hadassi, Alph. 369) might have also been borrowed from the Samaritans (see Wreschner, 42). For a similar view, see Schechter, *Jewish Sectaries*, I, p. 9, lines 14-15. Tradition makes no provision for the case of a man dying without heirs and considers it impossible (Sifre to Num. 5, 8; Baba kamma 109a). According to Philo (II, 291) the tribe inherits his property.

⁵³ An opinion identical with that of Joseph b. Abraham is quoted in p. Baba batra 8, 1 in the name of חכמי גוים. Aaron b. Elias (גן ערן, 166a) states that by "many others" David b. Boaz meant the *Sadducees* and reads in Baba batra 115b כל האומר תירש בת עם הבן אפילו נשיא בישראל אין שומעין לו instead of כל האומר תירש בת עם בת הבן; see also the reading in Neubauer's edition of Megillat Taanit (*l. c.*); comp. Hoffmann, *ZfH.B.*, IX (1905), 135. For the view of Anan on ירושת הבת, see Hadassi, Alph. 256 (98b); comp. Grätz, *Geschichte*, V⁴, 187; D. H. Müller, *Syrisch-römische Rechtsbücher u. Hamurabi*, 31.

The opinion of Wreschner, 39, that חכמי גוים refers to the Samaritans

the Sadducean as well as with the Pharisaic practice. Those Karaites who do accept the traditional view that daughters do not share with sons in inheritance,—and this is the view of nearly all later Karaites (Hadassi, Alph. 252, 256; גן עדן, 166a, and מבחר and כתר תורה to Num. 27, 8)—agree also with the *Pharisees* against the Sadducees, that the son's children, female as well as male, are the sole heirs even when the deceased has left daughters. See Hadassi, Alph. 252 and 256: ואמר ובן אין לו והעברתם את נחלתו לבתו בתורתך: "פתרונו בן קודם לבת וכל יוצא ירכו של בן קודמים... ולפי זה בת הבן קודמת מן הבת 102d: אדרת אליהו; so also ופרחי הבן, בין זכר ובין נקבה: כתר תורה, Num. 41b: קודמין מן הבת.

Hadassi (Alph. 97) informs us that the Sadducees "absolutely forbade divorce." Geiger (*Zeitschrift*, 1836, p. 99) doubted the authenticity of this report. Kırkıسانی reports it in the name of David b. Merwan Almuḳameş (ed. Harkavy, 304, l. 3; 305, l. 12). S. Holdheim in his מאמר האישות (Berlin 1861, p. 43 ff.) finds support for this assertion in the fact that the Karaites, who, as he believes with Geiger, descend from Sadducees, also prohibit divorce except in case of suspicion of adultery in the wife, and quotes (p. 53, note) אדרת אליהו. Holdheim, however, misstated the facts. The author of אדרת אליהו (96c) as well as all the other later Karaites (Hadassi, Alph. 366 (141c); מבחר and כתר תורה on Deut. 24, 1; Gan Eden 154d and לבוש מלכות (A. Neubauer, *Aus d. Petersburger Bibliothek*, 54)), does not like the School of Shammai (Gittin 90a) take ערות דבר (Deut. 24, 1) to mean sexual immorality, but an

is forced. He and Aptowitz (JQR., XIX, 609) overlooked Shabbat 116b. For the expression נשיא בישראל, see החלוקין, VIII, 78; אפילו נשיא בישראל may also refer to R. Gamaliel II who was the supposed litigant (Shabbat 116b).

The practice of the Karaites of his day thus coincided with the opinion of R. Akiba⁵⁵ (Gittin 90a): **אפילו מצא אחרת: נאה הימנה**.

The preparation of the Red Heifer was, according to Num. 19, 9, to be done by one ceremonially clean: **ואסף איש טהור**. The interpretation of **איש טהור** constituted one of the essential differences between the Pharisees and Sadducees. The Pharisees considered the unclean man who has bathed in the day time, and awaits sunset, in accordance with Lev. 22, 7, to be **טהור** and eligible to prepare the ashes of the Red Heifer. The Sadducees considered him unclean

⁵⁵ Still more erroneous is the assertion of Holdheim (*l. c.*, 57 ff.), that the Karaites considering the marital bond similar to that of God and Israel allow the husband to forgive and take back an adulterous wife, while Tradition demands the dissolution of the marriage by a writ of divorce. *The reverse is true*. According to the Karaite law, even the **אנוסה** is considered defiled and forbidden to her husband whereas the talmudic law requires divorce only in case the husband be a priest (Ketubbot 51b; the reason of the opinion of **אבוב דשמואל** (*l. c.*) is **שמא סופה ברצון**; for Ps.-Jon. on Deut. 22, 26: **אלא גברא יפטירינה מיניה בגיטא**, see Chayes, **אמרי בינה**, 9; comp. also **משאת בנימין** (5a): **ואם אשת איש היא ואנוסה דינה כמו של מאורשה אבל על בעלה אסורה; שני משכילי נ"ע אמרו בין אנוסה: אחרי אשר הוטמאה**; so also Hadassi, Alph. 329: **בין מפותה אסורה על בעלה**; comp. also Alph. 364 (135b); 152b; 155a; Jepheth b. Ali held that in case of defilement no writ of divorce is necessary; for the marriage is *ipso facto* dissolved (**גן עדן**, 155a); but see Hadassi, Alph. 5. Holdheim (*l. c.*, 112) contends that the *Sadducees* did not consider a captive (**שבוייה**) even when **אשת כהן** defiled. Yet the *Karaites* hold that even an **אשת ישראל שבוייה** is forbidden to her husband. See Hadassi, Alph. 365 (141d). Josephus (*Contra Apionem* I, 7) agrees with Tradition (Ketubbot 27a). Holdheim (*l. c.*, 53, note) states that while the *Karaites* consider man and woman equal in their spiritual duties, the Mishnah (Berakot 3, 2) confines the duty of prayer to man. The *very* Mishnah which he quotes states that women are included in the obligation of prayer.

and barred him from assisting in the preparation of it.⁵⁶ This issue could have arisen only if we interpret והיה לפנות in Deut. 23, 12 to mean "from the time that the sun begins to decline" allowing the unclean to take the ablution after midday,⁵⁷ a period thus intervening between the purification bath and sunset, during which he was considered by the Pharisees clean and suitable to prepare the אפר פרה.

Most of the Karaites, however, take לפנות ערב to mean the last part of the day and assign the ablution to the hour which immediately precedes sunset (see Harkavy, ספר המצות, לענן והיה לפנות: (27a) *ad loc.* בחר תורה, 143, n. 9); see also ערב: סמוך לערב וכן לפנות בקר לא כדעת בעלי הקבלה שהטעם מעת שיפנה הערב יהיה ראוי לרחוץ כל היום זה טבול יום. See *ib.*, Lev. 39b; Hadassi, Alph. 295 (110c): So also אדרת אליהו 71d: ובטהרת המים אמרו החכמים כי צריך להיות סמוך לערב כאשר כתוב בבעל קרי והיה לפנות ערב ירחץ במים ... וביארו החכמים שפנות ערב סמוך לערב ... לכן פסקו שטהרת הטמאים כולם במים צריך להיות סמוך ועת: So also Samuel al Magrabi (MS., 191b ff.): לערב פנות ערב התחלפו החכמים בו ... ואמר זולתם כי הוא בקרוב הערב והוא כשיעור שיתרחץ הטמא ויצא וישאר מעט מהשמש על ראשי ההרים כמאמר הכתוב וטמא עד הערב אחר מאמרו ורחץ במים. Comp. also the anti-Karaite ordinance of Maimonides (ed. Friedlaender, *MGWJ.*, 1909, 476): ומנהם מן תתואכי בהדא אלסבב אן יכון: (110b, c, d; 115 c, d; comp. also Sahl b. Mašliah, Pinsker, II, 28. According to them, such state of uncleanness as

⁵⁶ Parah 3, 7; Tosefta, *ib.*, 3, 8; Yoma 2a and parallels; comp. Grätz, III⁴, 447 ff. G. Hölscher, *Der Sadduzäismus*, Leipzig 1906, 20-21 wholly misunderstood this controversy.

⁵⁷ Comp. Geiger, *ZDMG.*, XX, 567; Maim., מ' מקואות, 1, 6, and ראב"ד *ad loc.* and כ"מ *ad loc.*

יום טבול—one who has bathed (for purification) in the *day time*—does not exist at all; the Karaites thus differ in the question of יום טבול as much from the Sadducees as they do from the Pharisees.

The law of false witnesses constituted one of the earliest differences between the Pharisees and the Sadducees. The latter restricted the application of Deut. 19, 19 to the case when the accused has already been executed in consequence of their false testimony. The Pharisaic view and practice were that false witnesses are liable to equal punishment after the judgment had been passed but not carried out (Sifre, *ad loc.*, ed. Friedmann, 109b; Makkot, 6; Tosefta Sanhedrin 6. 6; p. *ib.*, 6, 3 and parallels).

Geiger (*Urschrift*, 140) and Weiss (I, 138) consider apocryphal the report of the Baraita Makkot 5b that the Pharisees did not apply the law of false witnesses in case the wrongly accused was already executed. The issue between the Pharisees and Sadducees was, according to them, the case where the testimony was found to be false *before* the execution of the alleged offender.⁵⁸

Most of the Karaite exegetes and codifiers agree with the Pharisees in this disputed point; see Mibḥar, *ad loc.* (15b): טירת כסף; ואימתי יעשה לו באשר זמם; אחר שיגמר הדין: (15b).

⁵⁸ Comp. also Pineles, *דרכה של תורה*, 172; Friedmann, *Beth Talmud*, V, 233 ff.; Herzfeld, *Geschichte*, III, 387; Graetz, III¹, 99. The Book of Susannah was according to Brüll, *Jahrbücher*, III (1877), 63 ff. (comp. also Hoffmann, *Magazin*, IV (1877), 157 ff.) written as a protest against this Sadducean practice. For the view of Philo see Ritter, 26, n. 1. Josephus accepts the Pharisaic view (Weyl, 85). For the Samaritans see Wreschner, Intro., p. VIII, note 5. For attempts to explain the talmudic view הרגו אין נהרגים (see Geiger, *Urschrift*, 140, note), which is also the view of the Karaite Aaron b. Joseph (Mibḥar, Deut. 16a) see *Magazin*, XX (1893), 88 ff.; Rapoport, *דברי שלום ואמת*, p. 7. L. Löw, *Ges. Sch.*, I, 284, is to be corrected accordingly.

... ואף על פי שבעדות הזוממים לא נהרג המועד : *ad loc.* (let. 95) :
 וכן אמרו : 194d, גן עדן ; יקבלו הענש מיד ב"ד כִּאֲשֶׁר זָמְמוּ לַעֲשׂוֹת
 בעלי הנמרא אין העדים הזוממין נהרגין אלא אחר שנמנר הדין :
 לא הרג נהרגין הרגו אין נהרגין וחכמי הקראין אומרים לא כל שכן והם אומרים
 ... ; אין דנין לבא מן הדין
 וצריך שאם היה אמת יהרג הוא Deut. 26a, l. 1 :
 ... ואם לא נהרג אינם חייבים ואפילו : 177c, גן עדן ;
 שנפסק דינו ועדיין לא נהרג.

The two daily burnt offerings (עולת תמיד) being public offerings, had to be provided at the expense of the public, from the תרומת הלשכה of the half-shekel tax (Sheḡalim 4, 1; Sifre I, 142).⁶⁹ The Sadducees claimed (basing it on the singular form את הכבש אחר העשה in Num. 28, 4) that the daily burnt offerings are to be offered by individuals. Menahot 65a and Megillat Taanit, 11 (Neubauer, *Mediaeval Jewish Chronicles*, II, 3) : שהיו צדוקים אומרים מביאים תמידים : משל יחיד זה מביא שבת אחד זה מביא שתי שבתות וזה מביא שלשים יום ; comp. Geiger, *Urschrift*, 136.

The Karaites, in agreement with the Pharisees, consider the burnt offering a public sacrifice to be offered at the expense of the people, though they hold that, in all duties incumbent on the people at large, if an individual anticipates it, the duty is discharged. See Mibḥar to Ex.

⁶⁹ So also Josephus, *Ant.* III, 10, 1 and *Contra Ap.*, II, 6. Philo also considers the תמיד a public sacrifice (II, 239). Comp. M. Zipser, *Flavius Josephus' "Ueber das hohe Alter des Jüdischen Volkes gegen Apion,"* Wien 1871, 113. The fact that King Hezekiah defrayed the expense of the תמיד (II Chron. 31, 3; comp. Schürer, II, I, 284, Engl. transl.) is not against this view, as even according to Tradition an individual is allowed to bring the תמיד, if he first turns it over to the people (Rosh hashanah 7a); see Maim., כלי המקדש, 8, 7 : יחיד משלו ; משנה למלך, comp. *ad loc.* and ר"ש to Parah 2, 3. This escaped Ratner, ספר היובל in honor of N. Sokolow, Warsaw 1904, 502.

27, 20 (57a): וזו המצוה אם קדם אחד לעשותה נפטרו כל ישראל: Similarly to Num. 19, 2; comp. טירת כסף, *ad loc.*: אף על פי שהיא מתחייבת להעשות מממון של צבור יספיק בהכאחה על ידי איש אחד כתר תורה, Ex. 95b, and אדרת אליהו, 101b.

The view of Geiger (*Jüdische Zeitschrift*, I, 24; *Nachgelassene Schr.*, V, Heb., 161; *ZDMG.*, XX, 560 and elsewhere; comp. Poznański, *REJ.*, XLV, 63) that the Samaritan interpretation of Deut. 25, 5 ff., which was also held by some early Karaites, goes back to the Sadducees, cannot be accepted. The Samaritans took החוצה (v. 5) to be an adjective, referring to אשת המת translating it "the outer wife," i. e. the betrothed who had not as yet entered her husband's house, and restricted the law of levirate marriage to the betrothed woman whose husband died without living issue (*Kiddushin* 75b-76a; p. *Yebamot* 1, 6 and *Gittin* 1, 4; comp. Frankel, *Vorstudien*, 197, note b). If the Sadducees, like the Samaritans, would have applied the law of *yibbum* only to the betrothed, but not to the widowed wife, marriage would have been prohibited with them, as the cause of the exclusion of the Samaritans from the Jewish community and of marriage being prohibited with them, was that they referred the law of levirate marriage to the betrothed only. See *Kiddushin* 75b.⁶⁰

An agreement of great importance, as Geiger thinks, between the Sadducees and the Karaites is their rejection of the device known as 'erub, by which restraint on walk-

⁶⁰ Against this view of Geiger see also L. Löw, *Gesammelte Schriften*, III, 162; Geiger's opinion (*Urschrift*, 148) that many of the Pharisees were against intermarriage with Sadducees is not proved; see, to the contrary, N. Krochmal, *מורה נבוכי הזמן*, Warsaw 1894, 65; L. Löw, *l. c.*, 160.

ing and carrying on the sabbath is lightened."⁶¹ Geiger sees in the institution of 'erub a result of the Pharisaic desire to imitate the priestly sacerdotal meals eaten in חבורות. The sacrificial meals constituted a religious act. To afford the priests an opportunity to assemble for such repasts, which were usually held on holidays and sabbath, the regulations concerning walking distances and carrying food from one precinct to another (מרשות לרשות) were disregarded. The Pharisees also instituted common repasts (originally of companies of ten people, as in the eating of the Paschal Lamb). These meals, though of profane food, חולין, were eaten על טהרת הקדש and in connection with them were practised rites and observances usually associated with sacerdotal meals. To facilitate such gatherings, i. e. participation by those who lived outside the city limits in such consecrated meals (usually held on holy days), they devised the fiction of 'erub, through which members could come from distances and food be carried from one precinct to another on sabbath. The Sadducees opposed this device (Erubin 6, 2; *ib.*, 68b). The rejection of this "evasion law" by the Samaritans (Erubin 31b) and the Karaites (Hadassi, Alphabeta 182, 183, 242, see also authors quoted below) thus goes back to their common source—the Sadducees. This hypothesis of Geiger is due to misunderstanding the above quoted Mishnah. As has been shown by I. Halevy in his *Dorot Ha Rishonim* (1c, pp. 436 ff.; so also Weiss, *Dor*, I, 119),⁶² the Sadducees are mentioned there as מי שאינו מודה

⁶¹ *Jüd. Zeitschr.*, II, 24, *Nachg. Schriften*, III, 290; V, Heb., 145 ff. and elsewhere. Against the view of Geiger concerning חבורות of ten people to which he ascribes much importance (see references above and *Urschrift*, 121 ff.; *Nachg. Schr.*, IV, 107), see A. Büchler, *Der Galiläische Amhaare*, 208, n. 2; comp. also, for Ps.-Jon. on Exod. 12, 4, Frankel, *MGWJ.*, 1846, 114.

⁶² לא היו מודים [הנדוקים] בעירוב והכחישו איסור הוצאה בשבת (עירובין פ"ו מ"א). Weiss overlooked, however, *Horayot* 4a; comp. also Geiger himself,

בעירוב, which means "one who does not believe in the device of 'erub," i. e. one who ignores as invalid the rabbinic injunctions against *לחוס חוץ לייצא* and *הוצאה בחצר* on sabbath. Thus, while the Sadducees did not consider *ייצא* and *הוצאה* forbidden, the Karaites prohibit them and reject the "evasion law" of 'erub (Hadassi, *l. c.*, and authors quoted below). The early Karaites Anan,⁶³ Benjamin Nahawendi (גן עדן, 31a ff.) and Sahl b. Maṣliḥ (*l. c.* and אדרת אליהו, 29c) interpreting Ex. 16, 29b שבו איש תחתיו literally, forbade⁶⁴ leaving the house on sabbath save for physical needs

Urschrift, 147-8; *Nachg. Schr.*, V, Heb., 147, ll. 5 ff. This is also the meaning of *בעירוב מודה מי שאינו* in *Erubin* 31b (concerning the Samaritans). See Niddah 57a and Rashi, *ad loc.*, s. v. *לאתווי*; see also Wreschner, 15; comp. S. Hanover, *Das Festgesetz d. Samaritaner nach Ibrahim ibn Jakub*, Berlin 1904, 21. For the Sadducees, comp. also Schürer, Div. II, vol. II (Engl. transl.), 37, n. 102.

⁶³ See גן עדן, 31b; אדרת אליהו, 29c; comp. also Harkavy, ס' חמ לענן, 129, n. 1; 139, n. 3. This is also the view of Hadassi; see Alph. 144 (54c) and 247 (94d). Some Karaites forbade, like the later Samaritans (Wreschner, 15), leaving the house on sabbath even for physical need or a religious object; see Hadassi, Alph. 144. See also Reifmann, *Beth Talmud*, I, 385; Harkavy, *Magazin*, VI (1879), 121.

⁶⁴ The later Karaites, including Levi b. Jepheth ha-Levi, Joshua b. Judah, Samuel al-Magrabi, and Aaron b. Elias, accepted the rabbinic (see Mekilta to Exod. 16, 29; Alfasi and Asheri to *Erubin* 1, end; Tosafot *ib.*, 17b, s. v. *לאו*; Maim., שבת, 27, 1) restriction of the sabbath way to two thousand yards outside the city limits, תחום שבת, making thereof a biblical ordinance.

It may also be pointed out here that only R. Akiba, the champion of the New Halakah according to Geiger (*Urschrift*, 153 ff. and elsewhere), is of the opinion that the restriction of אלפים אמה is biblical (Soṭah 5, 3)! See also Schechter, *Jewish Sectaries*, I, p. 10, l. 21; p. 11, l. 6.

It was also R. Akiba, the antagonist of the Sadducean-Samaritan halakah according to Geiger, who held the Samaritans to be genuine converts, גרי אמה (Ḳiddushin 75b; comp. Frankel, *Einfluss*, 245), while R. Eliezer and R. Ishmael who, according to this view, partly adhered to the Sadducean-Samaritan halakah, held the Samaritans to be only lion-converts, גרי אריות; see Ḳiddushin, *l. c.*; Shebiit 8, 10; p. *ib.*, and פני משה *ad loc.*

or some religious object.⁶⁵

Geiger (*Jüd. Zeitschr.*, II (1863), 43 ff.) holds that the Sadducees prohibited the sacrifice of the Paschal Lamb (קרבן פסח) on sabbath. Derenbourg (*Orientalia*, I, 184 ff.), Holdheim (מאמר האישות, 160 ff.), Chwolson (*Das letzte Passamahl Christi*, Leipzig 1908, 28 ff., 140, 161; comp. Bacher, *JQR.*, VI, 680 ff. and *REJ.*, XLV, 176 ff.) claim that the similar view held by Anan and some other early Karaites goes back to the Sadducees. See against this view A. Schwarz, *Die Controversen der Schammaiten und Hilleliten*, I, Wien 1893, p. 17, note. It may also be pointed out that it is hardly probable that the Sadducees distinguished, as Geiger (*l. c.*) and Chwolson (*l. c.*, 21; 29, n. 2; 43, 140) claim, between the "perpetual offering" (קרבן תמיד) as a *public* offering (קרבן צבור), and the קרבן פסח as a *private* offering (קרבן יחיד), since, according to the Sadducees themselves, the קרבן תמיד was also to be offered by an individual. See *Menahot* 65a; comp. Geiger, *Urschrift* 136, and above. Moreover, many early Karaite authorities agree with Tradition that the קרבן פסח takes precedence over the sabbath. So Benjamin Nahawendi (סה"מ לענן, 153; comp. also the views of Daniel al Kūṣṣi and Jepheth b. Ali, Harkavy, *l. c.*). So also Aaron b. Joseph (Mibḥar, *Exod.* 16b); Samuel al Magrabi (*ed.*

⁶⁵ The Karaites differ among themselves also on the source of אסור הוצאה on sabbath. Jepheth b. Ali (Pinsker, II, 21) and Joseph al Baṣīr (אדרת אליהו, 29d ff.) follow Tradition and consider it to be a מלאכה and therefore forbidden. Kīrkisani thinks that carrying is not מלאכה and its prohibition is *traditional* and attested by Jerem. 17, 22 (גן עדן, 26b; comp. also the views of Joshua b. Judah and of Aaron b. Elias, גן עדן, *l. c.*). Levi b. Jepheth stands alone in his opinion that the carrying of light things is not forbidden (אדרת אליהו, 29c).

Junowicz, *Fast-und Festgesetze d. Karäer*, Berlin 1904, 6); Elias Bashyazi (ע' פסח, אדרת אליהו, ch. 8).

Geiger (*Nachgel. Schriften*, III, 315; V, Heb., 149 ff.; ZDMG., XVI, 717 ff.; comp. Cohn, ZDMG., XLVII, 678) holds that the Karaite view that עור נבלה, like בשר נבלה, communicates uncleanness goes back to Sadducean Tradition. It escaped Geiger that the *earliest* Karaites, the Ananites, were of the opinion that no separate part of the carcass is capable of communicating uncleanness. See אמנם החכמים נחלקו על שיעור הנבלה: ע' טומאה, אדרת אליהו מהם אמרו והם העניינים שנבלה בכלל תאמר על כלל הגוף המת אמנם חלקי המת לא יקרא נבלה והנה לפי דעתם אם יכרת אבר אחד מהבהמה לא תקרא נבלה. So also גן עדן, 99b, end; comp. also JQR., XIX, 151, l. 11; for Anan's opinion see also Jacob b. Reuben (Pinsker, II, 84); Harkavy, סה"ט לענן, 59; 153, n. 12; Schechter, *Jewish Sectaries*, II, 23; comp. also REJ., XLV, 56, n. 4. See also Geiger, *Urschrift*, 135, that the Boethusians allowed ספרים תפילין ומוצות to be written on עור which proves their agreement with Tradition that עור נבלה is not מטמא. Geiger's interpretation of Shabbat 108a (N. S., V, Heb., 151) is forced; comp. also Schorr, החלוץ, IV, 33.

The view of Geiger (*Jüd. Zeitschr*, I, 51; II, 27; N. S., III, 316; V, Heb., 138 ff.; 163 ff.) that the Samaritan and Karaite interpretation of Lev. 12, 4, 5 (ימי טהרה) goes back to the Sadducees is not proved. See Wreschner, l. c., 38, in favor of whose view it may be pointed out that the *Book of Jubilees* (3, 13) seems to agree with Tradition that a woman during ימי טהרה is excluded only from מקדש ביאת מקדש; see also Schwarz, l. c., 94 ff.

The only view common to the Boethusians (a latter-day Sadduceeism) and the Karaites is the interpretation of

ממחרת השבת and the time of the Feast of Weeks. The Feast of Weeks is, according to Lev. 23, 15-16, to be observed on the fiftieth day after the waving of the sheaf. The "wave-sheaf," עומר, is to be offered "on the morrow after the sabbath" ממחרת השבת יניפנו הכהן. Tradition interprets ממחרת השבת "from the day after the holy convocation," i. e. from Nisan the sixteenth. The Boethusians interpreted ממחרת השבת to mean the day after the weekly sabbath that occurs during the feast of the unleavened bread, so that Pentecost is celebrated always on the first day of the week (Menahot 65a; Megillat Taanit 1, 2; Sifra on Lev. 23, 15 and parallels). This is also the Samaritan⁶⁶ and Karaite⁶⁷ interpretation of ממחרת השבת.

But to adduce this Karaite view as evidence of the Karaite descent from the Sadducees is hardly justifiable. As Geiger himself (*Urschrift*, 138-139); Wellhausen (*Die Pharisäer und die Sadducäer*, 59 ff.); Schürer (II, 334); Poznański (*Abraham Geiger, Leben u Lebenswerk*, 365) pointed out, this Boethusian interpretation of ממחרת השבת does not go back to Sadducean tradition but originated in the animosity of the Boethusian priests-aristocrats against the Pharisees after having been deprived by them of their

⁶⁶ See Wreschner, *Intr.*, XXIII; S. Hanover, *Das Festgesetz der Samaritaner nach Ibrahim ibn Ja'kūb*, Berlin 1904, text, p. VII; comp. *ib.*, 62-63; Geiger, *Nachg. Schr.*, III, 294-296. The Samaritans and the Karaites differ, however, in the following essential question, namely, when to count if the fifteenth of Nisan occurs on Sunday. The Karaites begin on it to count the seven weeks. The Samaritans would begin counting on the first of the next week and thus offer the עומר *post festum*. See Geiger, *l. c.*, 296; Hoffmann, *Leviticus*, II, 164. For the Falashas, see A. Epstein, *Eldad ha-Dani*, 154 ff.; *id.*, *REJ.*, XXII (1891), 13 ff.

⁶⁷ See on it lastly Poznański, *Gedenkb. zur Erin. an D. Kaufmann*, 173 ff. Some Karaites trace their interpretation of ממחרת השבת to R. Phinehas b. Jair. See Pinsker, II, 16-7; comp. Frankl, *MGWJ.*, 1876, 115 ff.; Epstein, *Eldad ha-Dani*, 158, note.

prerogative to regulate the calendar and was never carried out in practice.

The only agreement between the Sadducees and the Karaites known to us is their rejection of "water libation," נסוך המים, on the Feast of the Tabernacles.⁶⁸ See Jefeth b. Ali (Pinsker, II, 23): נסוך המים לא צוה יושב הכרובים לא בפנים לא בחוצה: האומרים במצות נסוך המים הוסיפו על מאמרו הוא הדבר... מירת כסף, אשר ה' לא דברו... *ad loc.*

Thus, as we have seen, in all the differences between the Sadducees and Pharisees recorded in Talmud and Megillat Taanit the Karaite halakah (as far as Karaite opinion is known to us), with the exception of ממחרת השבת and נסוך המים, either agrees with the Pharisees against the Sadducees, or is in itself undetermined by reason of divergent views among the Karaites themselves.⁶⁹

The mention by the Karaites Kirkisani and Ḥassan b. Mashiah of a work (or works) composed by Zadok the founder of the Sadducean party, is considered by many scholars⁷⁰ proof of some relation existing between Sadduceeism and Karaism.

Schechter has established close relation of "*Fragments of a Zadokite work*" discovered and published by him (*Jewish Sectaries*, Cambridge 1910, vol. I.) with the כתאב

⁶⁸ Sukkah 48b; Yoma 26b; comp. Maim. Commentary on Sukkah 4, 9. See on it lastly Feuchtwang, *MGWJ.*, 1911, 49 ff.

⁶⁹ See also Grätz, V⁴, 495. This examination of the relation of the Karaite halakah to the Sadducean views known to us discloses how unfounded are the assertions of Weiss (*Dor*, IV, 85); Neubauer (*Aus der Petersburger Bibliothek*, 2); Fürst (*Geschichte d. Karäerthums*, I, 13 ff.); Harkavy (Grätz, *Geschichte* V⁴, 477 and elsewhere); Poznański (*REJ.*, XLIV (1902), 173) and others who follow Geiger, that the Karaites agree with the Sadducees in the differences between the latter and the Pharisees.

⁷⁰ See Harkavy, *l. c.*, 776; Poznański, *REJ.*, *l. c.*, 176-7; V. Aptowitzer, *Die Rechtsbücher der nestorianischen Patriarchen u. ihre Quellen*, 8.

אלצרוקיה mentioned by the above-named tenth century Karaites. As Schechter himself says: "The term Zakokites naturally suggests the Sadducees; but the present state of knowledge of the latter's doctrine and practices does not offer enough points of resemblance to justify the identification of them with our sect" (*Intr.*, XXI). However, if these fragments *do* contain Sadducean traditions and practices,⁷¹ they afford no support of the Sadducean-Karaite theory, but rather disclose further proof that in seeking for the origin of Karaism and its halakah we must cut adrift from any theory that would link it with Sadduceeism.

One of the two main and specific accusations of this Sect against their antagonists is polygamy (p. 4, ll. 20 ff.) which *all* the Karaites allow if it does not interfere with the husband's duties to his first wife and is not לצריר.⁷² See

⁷¹ See Israel Lévi, *REJ.*, 1911, 162 ff.; K. Kohler, *American Journal of Theology*, 1911, 432; comp., however, G. F. Moore, *Harvard Theological Review*, 1911, 358, 270, and Poznański, *Jewish Review*, September 1911.

The suggestion of Bacher (*ZfB.*, 1911, 19) that these Zadokites represent a group of Sadducean priests who, not long before the destruction of the Temple, in consequence of the victory of the Pharisees, left Palestine, is based on the theory of Büchler-Chwolson that not until a decade before the national catastrophe did the Pharisees control the national life of the people—a theory which is still to be proved; comp. A. Epstein, *MGWJ.*, XL (1896), 139-140. Kohler (*l. c.*, 431) states that "The Fragments of a Zadokite Work" discovered by Schechter "strongly confirms the theory of Abraham Geiger as to the relationship of Samaritanism and Karaism to Sadduceeism" and that "Professor Schechter has made it highly probable, if not certain, that the Document brought to light by him formed the very source of Anan's system, which, as Kırkısani relates, was founded upon the books of Zadok" and: "We thus possess in this Document the connecting link between the ancient Sadducean and Samaritan lore and the doctrines of the Karaites in a far more direct form than Geiger and Harkavy could expect" (*l. c.*, 432-3). The following examination of the halakah contained in this Document will show how erroneous these assertions are.

⁷² Comp. Leḳah Ṭob to Deut. 21, 5 referred to by Schechter, XVII, n. 16. Gittelsohn, *Civil-Gesetze der Karäer*, Berlin 1904, II, n. 9, is to be corrected accordingly.

Harkavy, לענן, סה"מ 105, 109, 127; Hadassi (Alph. 324 (119d); comp. also Alph. 321-2, 365 (135b)); Aaron b. Joseph (Mibḥar, Lev. 33b); Samuel al Magrabi (MS., 214b); Aaron b. Elias (גן עדן, 146d, 154b; כתר תורה, Lev. 49a); Elias Bashyazi (נשים, אדרת אליהו, ch. 5); Solomon Troki (אפרין, 46). A present day Karaite, Samuel b. Shemariah Pigit, Ḥazzan in Ekaterinoslav, writes: כאלו ... חכמינו ע"ה אסרו לקחת שתי נשים, הם לא אמרו זאת מעולם כי אין אצלנו חרם רבנו גרשון רק הם חייבו על פי הכתובים למלאות איש חובתו (אגרת נדחי שמואל) כנגד נשיו והיא שאר כסות ועונה (St. Petersburg 1894, I, 176); comp. also Schechter, *l. c.*, p. XIX, n. 22.

According to this Sect "Fish may be eaten only if while still alive they have been split open and drained of their blood" (p. 12, ll. 13-14; comp. p. LI, n. 23), not requiring that the fish be *caught* by an Israelite. Anan (*JQR.*, XIX, 143; comp. *ib.*, 138) and many other early Karaites⁷³ (Hadassi, Alph. 235 (89d); Jacob b. Reuben quoted in ספר טירת מִבְּחָר to Mibḥar; Num. 10b, lett. 55) held, in agreement with the Samaritans (Wreschner, 51), that only fish caught

Schechter (pp. XVII, XIX, XXXVI, n. 3) believes that this Sect prohibited divorce and regarded a second marriage during the life-time of the first husband or wife, even after divorce, as fornication (comp. *JQR.*, 1911, 138). This view is as foreign to the Karaite halakah as to Tradition; see above p. 341. This Sect decries also the Pharisaic regulation of the calendar. If the calendar of this Sect was a solar one (comp. Schechter, XVI, XX and Kohler, *l. c.*, 429), the Karaites differ in this important point from this Sect as much as the Rabbanites.

⁷³ It may be pointed out that a similar view is quoted in Midrash (Gen. r., 7, 2 and parallels) in the name of Jacob of נבזריא who seems to have been suspected of some מינות (comp. Eccl. r. 7, 47; המגיד, vol XIV, 245). The later Karaites rejected this view. See כתר תורה, Num. 15b: אם את כל דגני הים יאסף: נאמרה אסיפה בדגים כפי רוב המנהג לא שהאסיפה [ב]מקום השחיטה שאם כן צריך להיות אסיפת ישראל מכשרת ולא אסיפת גוי; so also גן עדן, 101b; comp. also Samuel al-Magrabi, *l. c.* The requirement that the blood be drained from the fish before it is eaten suggests, as Schechter p. LI, n. 23, points out, that this Sect prohibited the eating of

by an Israelite may be eaten. Moreover, "splitting open the fish while still alive," which is required by this Sect, is *expressly forbidden* by most of the Karaites. See Samuel al Magrabi, ed. M. Lorge, *Die Speisegesetze der Karäer von Samuel el Margrebi*, Berlin 1907, 21; Hadassi, Alph. 234 (89d); comp. also *JQR.*, XIX, 145: ע' שחיטה, אדרת אליהו, ch. 23.

Schechter (pp. XVIII, XLIX, notes 16, 24, LX) pointed out several agreements between the Karaite halakah and that of this Sect in the details of sabbath-observance. Extreme sabbatarianism is, however, a general sectarian propensity. Moreover, the Karaites differ from this Sect in the following laws of the sabbath.

According to this Sect (p. 11, ll. 16-17) "if any person falls into a gathering of water or unto a place of . . . he shall not bring him up by a ladder or a cord or any instru-

the blood of fish. This is also the view of Daniel al-Kumši (Kirkisani, ed. Harkavy, 316). So also Hadassi, Alph. 234, end and Aaron b. Elias (ג'ן עדן, 93c; כתר תורה, Lev. 19a). Comp. Bacher, *MGWJ.*, 1874, 272. Many Karaites, however, oppose this view. See Mibḥar, Lev. 12a, and טירת כסף, *ad loc.*, 1ett. 65; Samuel al Magrabi, *l. c.*, 16. Kohler's contention (*l. c.*, 427) that the Book of Jubilees agrees on this point with Tradition against this Sect is not proved; see Book of Jubilees, 6, 10; 7, 28.

The Karaites agree, however, with the law of this Sect (p. 12, ll. 14-15) that locusts are to be killed in water. See Hadassi, Alph. 235 (89d); Jacob b. Reuben (*ZfthB.*, IV, 73); Samuel al-Magrabi, *l. c.*, 9, 21; ג'ן עדן, 101c; ע' שחיטה, אדרת אליהו, ch. 24. Schechter (XXIV, LI, n. 20) believes that this Sect considered honey to be אבר מן החי and therefore prohibited it. It is, however, more probable that מענגלי הרבורים (p. 12, l. 12) refers, as Schechter himself (*l. c.*) suggests, to the particles of the bees which are mixed up with the honey and is, perhaps, to read מרגלי הרבורים. See Asheri, on Aboda Zarah, 68b: והלך רגלי הזבוב: תימה היאך אנו אוכלין הדבש והלא רגלי הזבוב. מעורבין בו. The later Karaites allowed the use of honey (ג'ן עדן, 92d, 93a). It is, however, doubtful whether this was also the view of the earlier Karaites many of whom prohibited even eggs as אבר מן החי; see Hadassi, Alph. 232 (89c) and Alph. 308 (114c).

ment." (See Schechter, XLIX, n. 39; I. Levi, *REJ.*, l. c. 198, n. 14; Moore, l. c., 365; Kohler, l. c., 425). This law is against the Karaite halakah as well as against Tradition. The Karaites agree⁷⁴ with Tradition (Shabbat 18, 3; Yoma 84 ff.; Mekilta on Exod. 31, 14 and parallels) that for the saving of a human life the sabbath is to be desecrated. See Hadassi, Alph. 148; 179; Mibḥar, Exod. 38a; גן עדן, 34a; אדרת אליהו, ע' שבת, ch. 21; אפריון, p. 9.

This Sect, like the *Book of Jubilees* (50, 12, comp. v. 9), prohibited⁷⁵ fasting on sabbath. Most of the Karaites, however, allow and even commend fasting on the sabbath. See Hadassi, Alph. 150 (56d); comp. Alph. 244 and 264. So also Samuel al Magrabi, ed. Weisz, *Traktat über den Sabbat bei den Karäern*, Pressburg 1907, 14; comp. also גן עדן, 36a; Elias Bashyazi in his *אגרת הצום* and in *אדרת אליהו*, ע' שבת, ch. 11, but see אפריון, p. 8. It may also be pointed out that the two most important Karaite devia-

⁷⁴ Grätz (*Geschichte*, V⁴, 186) states that Anan prohibited medical treatment on the sabbath. I do not know his authority for this statement. See Hadassi, Alph. 301, letters ז, ק (112b) and Levi b. Jepheth quoted by Harkavy, *ספר המצות לענין*, 132. Anan relying on Exod. 15, 26 prohibited altogether the use of medicine and of physicians (Kirkisani, quoted by Harkavy in Grätz, V⁴, 487; comp. Hadassi, Alph. 207 (82a)). It is only in case of *פיקוח נפש* that some Karaites hold that it is not *רוחה שבת*. See Hadassi, Alph. 179a and Alph. 364 (135a) and Joseph b. Abraham quoted in גן עדן, 34, and in *אדרת אליהו*, ע' שבת, ch. 2; see, however, Maim., שבת, ה', 2, 3.

Aaron b. Joseph (Mibḥar, Exod. 38a) quotes I Sam. 21, 7 as proof that *פיקוח נפש רוחה שבת*. This verse is adduced also in Matthew 12, 4 and in Yelamdenu (Yalkut, II, 30) in this connection.

⁷⁵ This seems to be the meaning of *איש מרצונו כשבת* (p. 11, ll. 4-5; comp. p. XLIX, n. 19; I. Levi, *REJ.*, l. c., 197; Bacher, *ZfshB.*, XV, 15; Kohler, l. c., 424.) reading *יתערב* for *יתערב*; comp., however, Moore, *Harvard Theological Review*, 1911, 246. The Falashas postpone even the Day of Atonement when it occurs on sabbath.

tions from Tradition in the laws of the sabbath, namely, the prohibition to have fire in the house on the sabbath and the prohibition of cohabitation on the sabbath-day, which Geiger (*Nachgel. Schriften*, III, 288 ff.) and Harkavy (Grätz, *Geschichte*, V⁴, 478) believe,⁷⁶ go back to Sadducean Tradition, are *not* shared by this Sect.

The law of this Sect that water in a rock not sufficient for immersion is contaminated, like water in a vessel, when touched by an unclean person (p. 10, ll. 13-14) is against the Karaite principle that water does not contract uncleanness. See Kırkısani (quoted by Harkavy, Grätz, *Geschichte*, V⁴, 488) who states that this was the view of Anan. So also Hadassi, Alph. 235, 286, 295; Mibḥar, Lev. 28*d*; גן עדן, 98*d* and 105*c*; בתר תורה, Lev. 28*a*; אדרת אליהו 72.⁷⁷

⁷⁶ See also Fürst, *Geschichte d. Karäerthums*, I, 11. While the opinion that the *Sadducees* also prohibited cohabitation on sabbath may be justified on the hypothesis of Geiger that any divergence from traditional halakah which is common to the *early* Samaritans and the Karaites goes back to a pre-Pharisaic (Sadducean) tradition, since we find the early Samaritans holding this view (Frankel, *Einfluss*, 253, stands alone in his opinion that this prohibition was adopted by the Samaritans from the Karaites; comp. Wreschner, 18-19), there is *no* reason to assume that already the early Samaritans prohibited having light in the house on sabbath. The arguments adduced by the Samaritans Manugga (Wreschner, 16, 17) and Ibrahim b. Ja'küb (who knew the Karaite view; comp. Geiger, *N. S.*, III, 289) for this prohibition which are *borrowed from the Karaites* (Wreschner, 18) tend to show that this prohibition was accepted by the later Samaritans from the Karaites. Nor is it probable that this prohibition resulted from the ancient interpretation of the concept מלאכה (Geiger, *l. c.*; comp. Poznański, *REJ.*, XLIV, 174 ff. in connection with which see the claim of the tenth century Karaite Ibn Saquie, who, like Geiger, believed in the existence of a more ancient Halakah (*JQR.*, XIII, 664; הקדם, I, 1908, 125), as to the reading in Tosefta Shabbat 1, 23; אין פותקין מים לגינה; comp. *JQR.*, *l. c.*, 662; הקדם, *l. c.*, 120).

⁷⁷ See, however, the view of Joseph b. Abraham (quoted in Mibḥar, *l. c.*) that מים תלויין contract uncleanness. The view of this Sect agrees

According to this Sect (p. 10, ll. 11-12) no man ritually unclean shall cleanse himself in the water of a vessel. As Schechter (XLVIII, n. 3) remarks, this law is directed against **מים שאובים**. The Karaites, however, not only allow **מים שאובים** (comp. *MGWJ.*, 1909, 469) but, as Kırkısani informs us (quoted by Harkavy, *l. c.*), it was the view of Anan that one who does *not* bathe in a vessel remains unclean.⁷⁸

The two laws contained in p. 12, ll. 15-19 are, as Schechter (p. LI, n. 27) remarks, against the Traditional view that only **כלי** and **תלוי** are capable of contracting and communicating Levitical uncleanness.⁷⁹ The Karaites agree with Tradition *against* this Sect. See Anan: **ודק קרא וכתב אשר יעשה מלאכה בהם לאודער דכל מאנא דלא נמר מאניה** (ed. Harkavy, p. 51;

partially with Mikwaot 1, 1 ff. (according to the interpretation of Maim. in his commentary *ad loc.* and **טומאת אוכלין**, 15, 1) that water less than **אשר אין בו די מרעיל** (p. 10, ll. 12-13 may also mean less than **מ' סאה**) contract uncleanness if **בכונה** even when **מחובר**.

Ps.-Jon's rendering of Lev. 11, 36: **וגובין בית כנישות מיין נבעין** is against our halakah. It may also be pointed out that the Dositheans held, like this Sect, that water is **מקבל טומאה**; comp. Kirchheim, **כרמי שומרון**, 25.

⁷⁸ The Samaritans, according to p. Abodah Zarah 5, 4, agree with Tradition on **מים שאובים**; comp., however, **ר"ש** to Mikwaot, 8, 1.

⁷⁹ It must, however, be pointed out that the law of this Sect (p. 12, ll. 17-18): **וכל כלי מסמר או יתר בכותל אשר יהיו עם המת בבית וטמאו בטומאת** (כטומאת ר.) agrees with the view of Hadassi, Alph. 290, 292, that in the case of Num. 19, 18 (**טומאת מת**) is contracted and communicated even when **מחובר**. This view is not shared by the other Karaites. See Mibhar, Num. 10b; **כתר תורה**, Num. 29b; **גן עדן**, 122c; **אדרת** **אלהו** (Lev. 11, 35; see Rashi and Nahm. *ad loc.*, Shabbat 125a; Maim., **כלים**, 15, 6 and commentary to **כלים** 5, 1) it is the opinion of most of the Karaites that it is not **מקבל טומאה** when **מחובר**. See **כתר תורה**, *ad loc.* (28a); **גן עדן**, 106a; but see Hadassi, Alph. 292 and Mibhar, Lev. 18a.

comp. *ib.*, p. 58 and 133; Hadassi, *Alph.* 286; Mibḥar, *Lev.* 17*a*, 20*a*; בתר תורה, *Lev.* 26*b*, 28*b*; גן עדן, 103*b*, ff.; אדרת אליהו, 71*b*; אפריון, p. 21).

THE INFLUENCE OF THE WORKS OF PHILO UPON THE KARAITE HALAKAH

PENAL LAWS

1. In the laws of homicide the Karaites widely deviate from Tradition. According to Tradition, murder is punishable only when felonious intent to kill has been proved (*Sanhedrin* 78*b* ff.).⁸⁰ Beside intent, antecedent warning immediately before the commission of the crime and its acknowledgment by the offender (התראה) are required (*Mekilta* on *Ex.* 21, 12; *Sifre* on *Num.* 15, 33 and *Deut.* 22, 24; *Sanhedrin* 80*b*; *Makkot* 6*b* and parallels). The Karaites do not require forewarning in any crime⁸¹ and consider murder punishable even in the absence of intent. See המכה אדם ומת מן אותה המכה יומת, 2*a*: משאת בנימין ומת ואפילו אין מתכוין להרגו שנא' מכה איש ומת. So also Samuel al-Magrabi (*Gitelsohn*, 22). Intent to kill is required by the Karaites only when the missile by which the killing has been effected was not likely to cause death. See גן עדן, 176*d*: והרוצחים חלקם הכתוב לשלש מעלות יש רוצח שרצח את הנפש אך הכתוב הפליג בענין זה הרוצח שאם כון להכותו לבד והכהו בדבר אשר לא יתכן למות בו והוא מת זה יקרא רוצח בשגגה . אך אם הכהו בדבר שימות בו ומת זה נמנה בחוקת רוצח מזיד שטעם מזיד שלא בדק אם

⁸⁰ According to R. Simeon (*Sanhedrin* 79*a*) and Rabbi (*Mekilta*, *Mishpatim*, 8) murder is not punishable even in case of miscarried felonious intent, i. e. when a man intending to *kill* a person killed another instead.

⁸¹ Mibḥar, *Exod.* 42*a*: ואמר אינו חייב עד שיתרה בו וכן כל חייבי לאוין; והיש התראה יתירה מן לאו שבתורה גן עדן, 177*c*. This seems also the opinion of Philo; see *Werke Philos*, II (Breslau 1910), 263, n. 2.

כתר ימות בו או לא ימות. (Comp. also Mibḥar, Exod. 32*b* and תורה, Numb. 49*b* and Samuel al Magrabi (Gitelsohn, 14) in which case the offender would, according to Tradition, not be punishable at all (Mekilta to Ex. 21, 18; Sifre to Num. 35, 17 (ed. Friedmann 61*b*); Sanhedrin 79*a*; Maimonides, רוצח, 3, 1-3.).⁸² Tradition punishes murder only when the murderer has laid his hand on the victim and the death has resulted from such *direct* assault; handing another poison, unless actually forcing it in his mouth, or leading him to a place where in a short while a force of nature or a beast will kill him, is thus not punished by death (Sifre to Num. 35, 17; Sanhedrin 76*b* ff.; Maim., רוצח, 2, 2 ff.). The Karaites do not require the death to be the direct result of the action of the murderer. The Karaites accept the view of R. Judah b. Bathyra (Sanhedrin 78*a*) in case of murder committed by several people simultaneously. See והנהרג ע"י אלה אנשים ויותר כלם חייבים מיתה: 2*a*: משאת בנימין. See also Hadassi, Alph. 152 and Alph. 166; גן עדן, 177*c*; and Samuel al Magrabi, MS., 84*a*: ואין הפרש אם ההורג לנפש ...; and the opinion of Beth Shammai (Kiddushin 43*a*) concerning murder committed through an agent. See גן עדן, 177*b*: ואחד אם יעשהו האדם בעצמו או על ידי צווי; comp. Hadassi,

⁸² Nor do the Karaites, in case of the defendant's confession of any crime, require witnesses to establish guilt. See Benjamin Nahawendi, ולפני בית דין הודאת פיו כשני עדים נאמנים: 1*c*: משאת בנימין; תורת חומא אשר יודה הוא על עונו הוא כשני עדים: see also Alph. 357*c*; so also Samuel al-Magrabi (MS., 105*b*): דע כי אם ידבר בעל הריב על נפשו ויאמר אני עשיתי כן וכן לא יצטרך לעדים וזה בהפך מודעת המחליפים; comp. also Mibḥar, Num. 5*a*: גן עדן, 194*d*; אדרת אליהו, 98*a*. The talmudic principle is אין אדם משום עצמו רשע, no man can incriminate himself, confessing of guilt not being admitted as evidence (Sanhedrin 9*b* and parallels; Maimonides, סנהדרין, 18, 6; but comp. Weiss, I, 23 ff.).

Alph. 269 ff.; comp. also Weiss, I, 150. They also consider accessories, accomplices, and counselors to murder punishable equally with the principal. See Hadassi, Alph. 274: וכן המלשין לחברו בין בסתר בין בגלוי להרגו ונהרג הוא הוא . . . כתר See . . . הרוצח וכלם רשעים הם ויהרגו בדרישה בבית דיןך . . . וכבר בארנו בספר מצות אופני הרכים : Exod. 64b-65a, תורה שמצדם יקרא האדם רוצח ויתחייב בין שיהרגו בעצמו בין על ידי זולתו ;בין ע"י סם המות בין בעדות שקר בין שיסבב מיתתו או שירצה בהריגתו ... so also 177b. See also Samuel al Magrabi (MS. 84b) : ההריגה תפול על אופנים ממנו הכאה ביד ומהם כי ידחה האדם : את רעהו ויפול ממקום גבה או לשלג או למים או לאש ... ומהם כי ישקה האחד את חברו סם או יהיה בו חולי וירפאהו בזולת העקרים הראויים לאותו החולי בצדיה ... ומהם כי ירגל האדם ברעהו ויהיה סבה להריגתו... ואין הפרש בכל אשר דברנוהו אם האדם יעשה אותו בנפשו או אומר לזולתו לעשות כי האומר והעושה לא ביניהם הפרש במשפטי התורה ... So also Mibḥar, Exod. 38a.

These Karaite laws approach the view of Philo according to whom intent to kill even when not carried out is punished by death (I, 314, Mangey, comp. B. Ritter, *Philo und die Halacha*, Leipzig 1879, 23 ff. and *Werke Philos*, II, 209, note 3).⁸³

⁸³ Josephus (*Ant.* XII, 9, 1) agrees with Tradition that only *action* is punishable. Philo states in this connection (II, 315) that those who with murderous intent prepare poison or any other deadening substance are to be killed *instantly* (Josephus, *Ant.* IV, 8, 34, considers even the keeping of poison punishable by death in which, as Weyl, p. 66 ff., has shown, he followed the Roman law (*Lex Cornelia de sicariis*)). As suggested by Ritter (p. 28), Philo based this law on Exod. 22, 17. The Septuagint translates מכשפה by φαρμακον which has also the meaning of "poisoners." Ritter fails, however, to indicate the source of Philo's assertion that the Law commands that the poisoner is to be executed *immediately*. The peculiar expression לא תחיה instead of the usual מות תמות (comp. רשב"ם and Naḥm., *ad loc.*) must have been taken by Philo to mean "do not suffer him to live even a moment." This interpretation of לא תחיה is also found among the Karaites. Samuel al-Magrabi (MS., 141b) says that

2. Ransom for death caused by the unguarded property of a man or through his instrumentality is required, according to Tradition, only in the case of the goring ox (Exod. 21, 29-31), the provision not applying to death caused by any other property or by any cause of danger created by him (Baba ḥamma 5, 6; b. *ib.*, 53b; Maimonides, נזקי ממון, 12, 16). The Karaites interpret the law of ransom (v. 30) to apply to all cases where a person meets death through the negligence of the owner of the property or the creator of the cause of death. Thus, whether it be a pit (Ex. 21, 33-35), or a fire kindled on one's premises that spread beyond (*ib.*, 22, 5), or failure of the owner of a house to build a battlement for his roof (Deut. 22, 8)—and a person was killed as a result of such negligence—in all these cases the Karaites hold that the owner of the property or the maker of the fire or pit is to pay ransom, according to Exod. 21, 30. As Hadassi says: תורת השונג ששנג ולא שמר שורו : אשר הועד ולא כסה לבורו ואשר לא עשה מעקה⁸⁴ (Alph., 274). See *ib.*, Alph. 270 and 370. See also בנימין, 2c: המטמין פה ומצודה וחבל הנחנק בהם א' מן בני אדם ויענש בדמיו וכה"א כי נמצאו בעמי רשעים וגו' . ואם מבקשים כופר נותן כבר וינצל. See also הנזק הבא מצד הנרמותיו בין בנפש, 180d, גן עדן

though the Law reprieves the condemned pregnant woman, in case of מבשפה ואמר לא : לא תחיה the execution is not to be postponed since the Law says תחיה ולא אמר מות תמות הודיענו בזה המאמר כי לא יכשר לנו לאחר מיתתה מעת לעת ואם היא הרה מעוברת כי היא כמו החרם

⁸⁴ Comp., however, Mibḥar., Exod. 43b. The Karaites agree also with Philo (II, 324), against Mekilta *ad loc.*, in the interpretation of והמת יהיה לו (v. 34) as referring to the מזויק; Philo (323) and Hadassi, Alph. 273, interpret also והמת יהיה לו in v. 36 as למזויק. So also Benjamin Nahawendi, משאת בנימין, 2c, l. 1, but see Mibḥar., *ad loc.*; כתר תורה Lev. 74a; comp. also גן עדן, 181b.

בין במומים כן יעשה לו ואם לאו יתן כופר שעל רציחתו הזכיר הכתוב ולא תקחו כופר לנפש רוצח ולא על רציחת הנרמותיו. והנה על רציחת שורו אמר השור יסקל וגם בעליו יומת. ואמר אם כופר יושת עליו ונתן פדיון נפשו ככל אשר יושת עליו. והתורה הזכירה ארבע אבות נזיקין והוא הדין לכלם שאם נהרג נפש באחד מהם יתן כופר. Comp. *ib.*, 178*d*, 181*c*, 182*b* and Samuel al Magrabi, Gitelsohn, 39-40. Further fol. 133*a* (not published) he says: ואם היו שם אנשים או נפשות והשיגה אותם האש ונשרפו ומתו יתחייב בכופר נפשם.

A view similar to this Karaite anti-traditional law—that also other cases of criminal negligence are punishable—is held by Philo.

Expounding the law of Ex. 21, 33 (II, 324), Philo says that if a man fall into the pit and die the court shall decide what punishment the digger is to suffer or what fine he is to pay (οτι χρη παθειν η αποτισαι). He also says about the law of Deut. 22, 8, that those who fail to make a battlement to their roof commit a crime equal to that of one who digs a pit, and declares: *κολαζεσθωσαν γουν εν ισω τοις αχανη τα στομια των ορυγματων καταλειπουσιν*; comp. Ritter, 52 and notes.

Philo and the Karaites agree also in the interpretation of v. 29*b* *ונגם בעליו יומת*. Tradition interprets it to mean that the owner, if he does not redeem himself, shall suffer death at the hand of God⁸⁵ *מיתה בידי שמים* (Mekilta, Mishpatim, X;

⁸⁵ Frankel (*Einfluss*, 93) believes that the translation of the Septuagint indicates the traditional interpretation, against which see Ritter, 48, n. 2 and 124 ff. and H. Weyl, *Die Jüdischen Strafgesetze bei Flavius Josephus*, Berlin 1900, 153 ff. The view of Geiger (*Urschrift*, 448 ff.) that the ancient halakah interpreted *ונגם בעליו יומת* as *מיתה בידי אדם* was already shown by Pineles (*דרכה של תורה*, 193-6) and Weyl (*l. c.*, 144-153) to be unfounded; comp. also Poznański, *Abraham Geiger, Leben u. Lebenswerk*, 378, n. 1.

Sanhedrin 15*b*; comp. Ps.-Jon. to v. 29). The Karaites uphold the literal interpretation of וגם בעליו יומת (i. e. בירי אדם) and take ואת כפר יושט עליו (v. 30*a*) to mean that the nearest kinsmen (גואלי הדם) of the killed are to decide whether to execute him or to take ransom. See Benjamin Nahawendi, ואם הוא נודע [השור] ובעליו מועד וממית אדם הוא : 2*c*, משאת בנימין יסקל ויומת גם בעליו וכה"א השור יסקל וגם בעליו יומת : ואם גואלי הדם רוצים ליקח ממנו כפר יתן וינצל בעבור כי הריגה זו על ידי הבחמה לפיכך הרישות בידם אם רוצים הורגים ואם רוצים לוקחים כפר : שכה"א . See also Hadassi (Alph. 270, 370); 177*d*, and בחר תורה, *ad loc.* (73*b*); Samuel al Magrabi (Gitelsohn, 35-36).

Philo holds the same view, and in his exposition of this law (II, 323) says that the owner of the goring ox is guilty of the man's death. He shall be put to death or pay ransom. The court shall decide his punishment. The Karaites thus agree with Philo and differ only as to the question with whom rests the option of death or ransom; while according to Philo (so also Mekilta, *ad loc.*) the court is to decide, the Karaites hold that it rests with the גואלי הדם.

3. Tradition interprets the law of Ex. 21, 24-26 and Lev. 24, 19-21 to mean money indemnity (Mekilta *ad loc.*, (Mishpatim 8); Sifra on Emor, 24, 19; Baba kamma 8, 1; Ketubbot 35*a* and parallels; comp. Maimonides, חובל ומזיק 1, 1 ff.).

Philo takes these verses literally and in several places vigorously advocates the practice of *lex talionis*. See Ritter, *Philo und die Halacha*, p. 18 ff. The *lex talionis* is accepted in all its severity also by nearly all the Karaites. Benjamin Nahawendi interprets עין תחת עין literally. See Benjamin Nahawendi, משאת בנימין, 2*d*; העשה כל מכה ומום בחבירו :

נפרע שנאמר כאשר עשה כן יעשה לו. So also Ben Zuta, a Karaite contemporary of Saadia Gaon (Ibn Ezra on Exod. 21, 24); Jepheth b. Ali (*MGWJ.*, XLI, 1897, 205); Hadassi (Alph. 275 (104c); 370 (146b); 373 (149c); comp. also Alph. 170); Aaron b. Joseph (Mibḥar, Exod. 42a); Aaron b. Elias (גן עדן, 179a ff.; כתר תורה, Exod. 71b ff.); Samuel al Magrabi (Gitelsohn, *l. c.*, 28-9); Abraham b. Josiah (אמונה אמן, 24b); Solomon Troki (אפריון, 39).⁸⁶

⁸⁶ See also Rapoport, בכורי העתים, 1831, p. 34. I. Löw, *Gesammelte Schriften*, I, 287 is to be corrected accordingly. Harkavy, ס"המ לענין, 198, believes that Anan also upheld *lex talionis*; comp. also Schechter, *Jewish Sectaries*, II, 7, ll. 5-7. The Samaritans also interpret עין תחת עין literally (Kluml, *Mischpatim, ein samaritanisch-arabischer Commentar*, XX; *JQR.*, 1911, 210 is to be corrected accordingly). Some Karaites restrict the application of *lex talionis* to intentional permanent injury; still others leave it to the discretion of the court to pronounce sentence of equal punishment or indemnity; comp. Mibḥar, Exod. 53a; כתר תורה, Exod. 71b ff. According to the Scholion of Megillat Ta'anit ch. 4 (Neubauer, *Mediaeval Jewish Chronicles*, II, 8; comp. Grätz, III⁴, 693) the Boethusians extended their literalism to *lex talionis*. Geiger at one time (*Urschrift*, 148, but see *id.*, *Sadducäer u. Phariseer*, 22; *Nachg. Schriften*, V, Heb., 162), Rapoport (דברי שלום ואמת, 15), and Ritter (133-4) deny this report any historical basis (comp. Jost, *Geschichte d. Judenthums*, I, Leipzig 1885, 221; I. Löw, *l. c.*, 286; Büchler, *MGWJ.*, L (1906), 679, n. and the literature adduced by Ritter, *l. c.*). Such an important difference would not have been left unnoticed in the talmudic literature. It is also improbable that Josephus, who was an avowed Pharisee (*Vita*, II, end) and who in all the differences between the Sadducees and the Pharisees, as far as his opinion is known to us, sides with the Pharisees (except in the interpretation of באש השרף in Lev. 21, 9; see Olitzki, *Flavius Josephus und die Halacha*, Berlin 1885, 42, 44, 54 and Ritter, 26), would have accepted the literal interpretation of עין תחת עין (*Ant.* IV, 8, 35) if it were anti-Pharisaic.

Geiger (*Nachg. Schriften*, V, Heb. 162) claims that the ancient halakah also interpreted עין תחת עין literally, as R. Eliezer held this view (Baba ḥamma 84a; see the version of R. Eliezer's opinion in Mibḥar, Exod. 42a, which he seems to have taken from Mekilta, Mishpatim, 8, reading R. Eliezer for יצחק; comp. Geiger, *l. c.*, and I. Löw, *l. c.*, 287, n. 2). See I. Halevy, *דורות הראשונים*, vol. I, 425 ff. for elucidation of the traditional view and that of R. Eliezer; comp. S. Munk, *Guide des Égarés*, 371, n. 1. Philo (II,

Philo (II, 323, end) states that the owner of an animal that killed a slave is to pay the *full value* of the slave. Ritter (49) considers this view of Philo to be against Exod. 21, 32: שלשים שקלים יתן לאדניו. Many Karaite authorities agree with Philo and hold that v. 32 establishes the minimum fine and that if the value of the slave be more than שלשים שקל, the owner is to be paid the full value of the slave. Other Karaites hold that by שלשים שקל the law indicates the value of the average slave and that in all cases the owner of the animal is to pay the full value of the slave. See גן עדן, 181a: ואם המית עבד דן הכתוב לתת לשלשים שקלים לבעל העבד. ובעלי הקבלה אמרו שעליו יש להקל ולהחמיר אחד עבד שבפחותים ואחד עבד שבחשובים ערך אחד גדולים וקטנים עבד ושפחה אע"פ שיש מחכמי הקראים חולקים בזה: יש מהם אומרים שזה ערך הפחות אבל יש להוסיף עליו. ומהם אומרים יש מהם אומרים שזה ערך בינוני ויש להוסיף ולגרוע. So also בכתר תורה, Exod. 73b.

The Karaites agree with Philo also in the interpretation of Exod. 21, 19 משענתו על בחיין על משענתו. Tradition (Mekilta *ad loc.* (Mishpatim, 6); Onkelos and Ketubbot 4, 4 (28c; but see Ps.-Jon. *ad loc.*), taking משענתו על figuratively, interprets it to mean that the offender is not liable for death consequent on a blow, if in the interval the injured party has so far recovered that he is able to walk about "on his own strength," i. e. without others' assistance. Philo (II, 317; Ritter, 32, note 3) takes משענתו על literally, namely, that even when the injured party required the support of a staff or of a man the offender is

313; Ritter, 22) holds (against Mishnah Sanhedrin 9, 1; Mekilta on Exod. 21, 12) that the murderer is to be killed in the same manner in which he committed the crime (so also Book of Jubilees 4, 32). This is also the view of many Karaites. See S. Gittelsohn, *Civil-Gesetze der Karäer von Samuel al-Magrebi*, 14, ll. 13-15; see, however, גן עדן, 177c. The opinion of Büchler (MGWJ., L (1906), 679 n., 692, 706) that this was also the view of the Sadducees is not supported by any proof.

to be acquitted. The Karaites interpret על משענתו like Philo, literally; see בחר תורה, Exod., 71a: ובעלי הקבלה ... על משענתו. אמרו במשענת עצמו ואינו נכון, So also Mibḥar, *ad loc.*; גן עדן, 180b; Samuel al Magrabi (Gitelsohn, 23).

The Karaites interpret also Deut. 25, 12 וקצות את כפה against Tradition (Sifre *ad loc.*; comp. Midrash Tannaim. ed. Hoffmann, 168 ff.) literally; see Mibḥar *ad loc.* (22b); בחר תורה *ad loc.*; Samuel Al Magrabi, (Gitelsohn, 29). So also Philo (II, 328): Εστω δε η δουλαια χειρος αποκοπη της αψαμενης ων ον θεμις.

4. Philo deviates in his exposition of Exod. 21, 22 ff. from Tradition which refers אסון in verses 22-23 to the woman and holds the man guilty of murder if he killed the mother, but not punishable for the deadly effect of the blow on the unborn child, regarding the foetus only as part or limb of the mother (*pars viscerum matris*) and without an independent existence (Mekilta *ad loc.*; Baba ḥamma 48b ff.; see also Ohalot 7, 6 and Ps.-Jon. to v. 22). Philo (II, 317 comp. 319, beg.) takes this law to refer to the embryo and interprets these verses: If the foetus miscarried by the blow was not formed at the time of the blow the offender is not liable for murder (verse 22), but if the embryo has assumed a distinct shape and is completed the offender shall die for the death of the child (verse 23).⁸⁷ Philo, though considering the unborn child to be a part of the mother (II, 319), holds that the law of Lev. 22, 28

⁸⁷ Philo follows the Septuagint in the interpretation of these verses; see Ritter, 35. Josephus (*Ant.*, IV, 8, 33) agrees with Tradition and refers אסון to the mother only; comp. Geiger, *Urschrift*, 436-7. Yet he holds, like the Karaites (Hadassi, Alph. 270 (103b)), causing abortion to be murder. See *C. Ap.*, II, 24; comp. M. Zipser, *Des Flavius Josephus Werk... gegen Apion*, 164. Some Karaites follow Tradition in the interpretation of אסון. See Benjamin Nahawendi, משאת בנימין, 2d; בחר תורה, Exod. 71b, below.

includes the prohibition of sacrificing a pregnant animal, a law unknown to Tradition (II, 398; comp. Frankel, *Ueber palästinische u. alexandrinische Schriftforschung*, 32, n. 6; Ritter, 109 and notes). Philo (*l. c.*; comp. Ritter, *l. c.*, n. 3) seems also to believe, against Tradition (Arakin 7a; comp. Ps.-Jan. to Deut. 22, 22), that the law reprieves a pregnant woman condemned to death. These anti-traditional views of Philo are found also among the Karaites. The Karaites, like Philo, consider the killing of an embryo murder punishable by death (Hadassi, Alph. 238^פ, 270^ב, 275^י; see also references given below) and interpret אמון in verses 22, 23 to refer to the embryo or to the mother and the embryo. See Kırkısani (ed. Poznański) in *Gedenkbuch zur Erinnerung an David Kaufmann*, Breslau 1900, 186; Hadassi, Alph. 238; 270; Mibḥar, Exod. 42b; כתר תורה, Exod. 71b ff.; גן עדן, 177d; 179c-d; Samuel al Magrabi, ed. Gitelsohn, 27 ff. They also consider the killing of a pregnant animal violation of Lev. 22, 28 and go even further than Philo in prohibiting the שליל a foetus found in a killed animal, for food. See Kırkısani, ed. Harkavy, 291; and ed. Poznański, *l. c.*, 184 ff.; Sahl b. Maṣliaḥ (Pinsker, II, 28; comp. *ib.*, 30, 83); Salmon b. Jeruḥam (Poz., *l. c.* 186-7); Hadassi, Alph. 238-240; 308 ; 360 ; 364 (134d); Mibḥar, Lev. 15b; 39a; כתר תורה, Lev. 24a; 62b; גן עדן, 83d. ff.; Samuel al Magrabi, ed. Lorge, 10-11; אדרת אליהו, 64b ff.; אפריין, 23; לביש מלכות, 47; comp. also Ibn Ezra, Mibḥar, and כתר תורה on Gen. 25, 22 and Lekah Tob on Lev. 11, 13 and 12, 8.⁸⁸ Many Karaites

⁸⁸ See also Frankel, *MGWJ.*, VIII, 400. The Samaritans also apply the law of Lev. 22, 28 to שליל; see Geiger, *Nachg. Schriften*, III, 263-4; 302; V, Heb., 114; Wreschner, Intr., XXVII. Geiger's view (*Nachg. Schr.*, V, Heb., 112 ff.; comp. also Büchler, *MGWJ.*, I, (1906), 674, note) that this Samaritan-Karaite opinion is based upon the principle of : עובר לאו ירך : אמון, a view which, as Geiger (*l. c.*) believes, was held also by the ancient

prohibit also the execution of a pregnant woman. See Mibḥar on Deut. 22, 22 and טירת כסף *ad loc.*⁸⁹ Samuel al Magrabi (MS. 86a) states: ואם יאמר אומר אם היא מעוברת היבשר כי תהרג והיא מעוברת יאמר לו לא יבשר כי תהרג והיא מעוברת אבל יאחרוה לאחר שתלד ואחר לידתה תהרג ואם לא כן נהיה הורגים ישתי נפשות והמשפט אל נפש אחת בהריגה.

5. Tradition interprets: ונקב שם ה' מות יומת (Lev. 24, 16) to mean the cursing of the Divine Name (Sanhedrin 7, 5; Sifra *ad loc.*; comp. Ps-Jon. *ad loc.*: ברם מאן דמפרש ומחרף);⁹⁰ so also the Septuagint (comp. Frankel, *Einfluss*, 132) and Josephus (*Ant.* IV, 8, 6). Philo (*Vita Mosis*, II, § 206 ff.) refers this law to any disrespectful mention of the name of God at an inappropriate occasion or place. To this untraditional interpretation of ונקב by Philo, goes back the view of Philo (Tischendorf, *Philonea*, 79; comp. Frankel, *Eidesleistung d. Juden*, Dresden 1840, 21; Ritter, 45-7) that the law punishes a false oath with death. As Philo (*l. c.*, 80) argues, a false oath involves the dishonor of the Divine Name therein employed (comp. Lev. 19, 12)

halakah, is erroneous. The question of עובר ירך אמו is applied in the Talmud to animals and slaves but not to free persons. See also against this contention of Geiger Pineles, *דרכה של תורה*, 190 ff.; L. Löw, *Ges. Schr.* III, 401; Gronemann, 122, note. It must also be pointed out that most of the Karaites mentioned above do not distinguish in the interpretation of אסון between a finished and an unfinished embryo.

⁸⁹ Kirḳisani agrees with Tradition that the execution is not to be postponed (ed. Poznański, *Gedenkbuch zur Erinnerung an D. Kaufmann*, 185). Samuel al-Magrabi (ed. Gitelsohn, 38) states that the Law reprieves even a pregnant animal condemned to death! See above, note 83.

⁹⁰ For Onkelos *ad loc.*: ודי מפרש שמא see Geiger, *Urschrift*, 274. Chwolson, *Das letzte Passamahl Christi*, 119, overlooked the view of R. Meir (Sanhedrin 56a) that מוקלל בכנוי is also punished with death. (M. Duschack, *Josephus Flavius u. d. Tradition*, 23 is to be corrected accordingly.) See, however, the opinion of R. Levi פסיקתא דרב כהנא ed. Friedmann, 1840: כל מי שהוא מפרש שמו של הקב"ה חייב מיתה שנא' ונקב שם ...

and he applies to it the law of Lev. 24, 16, according to his interpretation of this verse. Most of early Karaites agree with Philo in the interpretation of 'ונקב שם ה' (v. 16). See Anan (ed. Harkavy, 13) ; ... ואקדים ליה כי יקלל לאדער דעל מאן ; דאדער שמה דרחמנא בקלילותא קאים דמחייב קטלא.⁸¹ The Karaites, like Philo, also set the punishment of death for false oath.⁸² See Hadassi, Alph. 346 , 347 ; Mibḥar, Exod. 37a; כתר תורה, Exod. 62b; comp. *ib.*, Deut. 24b; Samuel al Magrabi (MS., 67a) ; שבועות, אדרת אליהו, ch. 6. They follow also the reason given by Philo. As a false oath involves the dishonor of the name of God the penalty therefor is death in accordance with Lev. 24, 16.⁸³

⁸¹ Harkavy's note to it (*ib.*, 198, s. v. דברי) is unintelligible. The later Karaites abandoned this interpretation of ונקב ; comp. Mibḥar, Lev. 44b. For the Samaritan interpretation of ונקב see Grünbaum, *ZDMG.*, XVI (1862), 401 ff.

⁸² According to Tradition (Tosefta Makkot 4, 5; b. Shabuot 20a) the penalty of a false oath is מלקות ; comp., however, Naḥm. on Lev. 27, 29 and the Yelamdenu quoted there. See Schechter, *Jewish Sectaries*, I, p. 16, l. 8 and notes, that according to the sect which Schechter designates as Zadokite (see above) "one is to keep a vow pledging him to a particular commandment *even at the risk of death.*" The view of Kohler (*American Journal of Theology*, 1911, 417), that according to that sect the penalty of any false oath is death is not proved. The Zadokite sect (*l. c.*, p. 15, ll. 1-3) agrees also with Philo (*l. c.* ; comp. Frankel, *Eidesleistung*, 19-20) that oaths are not to be taken by God's name. See Schechter, *l. c.*, LIV, as to the Samaritan manner of oath, against which see Kohler, *l. c.* ; but see I. Löw, *Ges. Schr.*, I, 193 ff. ; comp. also Grünbaum, *l. c.*, 404.

⁸³ See Afendopolo's appendix to אדרת אליהו Odessa 1870, 209cd: ורוב החכמים וגדולים פסקו ודנו מיתה למי שעבר על שבועתו או שקר בה וחללה ... ואמר הרב רבנו לוי ע"ה כי המפר השבועה חייב מות ... ואמר ועם זה כי הראיה יוציא המשפט כי מי יחלל קדש משפטו הוא המות שנאמר ואוכליו עינו ישא כי את קדש ה' חלל ונכרתה ומקל וחומר מי חלל שם ה' וכן דעת הרב רבנו יהודה האב"ל ע"ה וחכמים אחרים גדולים עמם כרבנו ישועה ויפת הלוי ע"ה והחכם ... האלהי הרב רבנו אהרן הראשון עמם ... In Lev. 19, 8 quoted by Levi b. Jepheth and Samuel al-Magrabi (*l. c.*) as proof that the penalty of the dishonor of the name of God is death only כרת punishment is mentioned. The

Based on this Philonian-Karaite interpretation of Lev. 24, 16 is the view of the early Karaites that every antinomian utterance or action is punished by death. See Anan (ס"המ, *l. c.*): ומאן דאמא מימר מצות לאו מידי אינן או : (ס"המ, *l. c.*) אוריתא לאו מידי היא או דאמא מי יי' מיחייב קטלא ורגמין ליה כל טיב המגדף הוא המפר מצות : 267; so also Hadassi, Alph. 267; עשה מעשותו : ביד רמה בודון הפיר מצותו ודנו בו רגילה בנקמתו comp. also Alph. 372, 373, so also Samuel al Magrabi (MS., 108b) : ודע כי נחלפו החכמים במצות אשר לא נזכר להם : משפט בנקימה : מהם מי אמר כי כולם להם משפט מות וכי האדם אם ימרה אשר האמירו ית' בהם בצדיה יחויב מיתה והביא ראיה על זה ממאמרו כי דבר ה' בזה ואת מצותו הפר ואמר אחר כי זה המאמר בראיה המביאים אותה כי היא נאמרה על מי אשר כחש במצות התורה או מי יאמר כי המצוה הזאת איננה חוב או יאמר מנין יחויב זה המאמר That this Karaite⁹⁴ על דרך הביון כי אמר עליו את ה' הוא מגדף

early Karaites, however, took כרת to mean death by court, מיתה בידי אדם, against the traditional interpretation of the concept כרת as heavenly visitation (comp. Sifra on Lev. 23, 29; Sifre on Num. 19, 13; Moed kaṭan 28a; p. Bikkurim 2, 1; Maim., תשובה, 8, 1; Ibn Ezra on Gen. 17, 14; Nahm. on Lev. 18, 29 and Abrabanel on Num. 15, 30). See Hadassi, Alph. 266: כי ... כל בעלי כרת ביד שופטים חייבים במשפט ה' אשר צוה בתורתך : מסורים ביד כהניהם מלכיהם שופטים ושומריהם : ידי עדיהם תהיה כם בראשונה ... Death in כרת punishment is by stoning (*ib.*, Alph. 267). See also Ibn Ezra on Lev. 20, 20 and Harkavy, ספר המצות לענין, 141, n. 14, and מירת כסף to Mibḥar, Lev. 37a, letters 63, 69. S. Munk, *Palestine* (German ed. by M. Levy, II, 438) is to be corrected accordingly. The latter Karaites agree with Tradition; see Mibḥar, Lev. 34b; כתר תורה, Gen. 47b; Lev. 56b; גן עדן, 125d; אפריין, 7.

⁹⁴ Every antinomian action or utterance involves the dishonor of God's name which is, according to the Karaites, punished by death. See Hadassi, Alph. 373 (149c) : ואם חלול שם ה' ותורתו על האיש שהוא מיתה ככתוב : 373 (149c) : כי את דבר ה' בזה ואת מצותו הפר וגו' . See also Book of Jubilees 30, 8-7. According to some Karaites failure to pray is also punished by death (in accordance with II Chron. 15, 13). So Samuel al-Magrabi (MS., 57a) : והעוֹבֵא את התפילה ולא יעשה כצדיה וזוֹן ועל דרך הביון הוא חייב מיתה, ויש מהחכמים ז"ל שאמר כי העוֹבֵא אותה על כל פנים חייב מיתה.

view is not due to their fondness for exaggeration but is based on the above-mentioned Philonian interpretation of Lev. 24, 16 and Num. 15, 30 (for Num. 15, 30, see Philo, II, 252 and 404) is evident from the fact that a similar view is held by Maimonides who, in disagreement with the talmudic interpretation (Sifre, *ad loc.*; Horayot 8a; Keritot 7b; comp. Rashi, Rashbam, and Nahm., *ad loc.*; comp. also Mibḥar, Num. 15a; **בְּתַר תּוֹרָה** Num. 22b), refers Num. 15, 30 to all *antinomian actions*. See **מִזְבֵּחַ נְבוּכִים**, III, 41 (Eng. translation by M. Friedlander, London, 1904, 348-9): "If a person sins presumptuously so that in sinning he shows impudence and seeks publicity; if he does what is prohibited by the Law, not only because of his evil inclination but in order to oppose and resist the Law, he 'reproacheth the Lord' (Num. 15, 30) and must undoubtedly be put to death. ... Even if an Israelite eats meat (boiled) in milk or wears garments of wool and linen, or rounds off the corners of his head, in spite against the Law, in order to show clearly that he does not believe in its truth, *I apply to him the words 'he reproacheth the Lord'* and (I am of the opinion) that he must suffer death as an unbeliever. ... According to my opinion, all the members of an Israelitish community which has insolently and presumptuously transgressed *any of the Divine precepts* must be put to death."⁹⁰

6. According to Tradition, cursing parents is punished by death (Ex. 21, 17; Lev. 20, 9) only when the Divine

The Karaites, relying on Lev. 4, 2: **מִכָּל מִצְוָה**..., hold (against Tradition; see Sifra *ad loc.*) that a sin-offering is to be brought for the involuntary transgression of any law. See Pinsker II, 73 (the meaning of this passage escaped Poznański, *Karaite Literary Opponents of Saadia Gaon*, 66); Mibḥar, Lev., 6b; **בְּתַר תּוֹרָה**, Lev. 9a; **גֵּן עֵדֶן**, 176a, end. See also Philo, II, 246.

⁹⁰ See also Mamm., **רִנּוּצָה**, 4, 10; Z. Chajes, **תּוֹרַת נְבִיאִים**, Zolkiew 1836, 18b ff.

name is used (Sanhedrin 7, 12; Mekilta *ad loc.*). Striking parents is punished by death (Ex. 21, 15) only when the blow is a *מכה שיש בה חבורה* (Sanhedrin 10, 1; Mekilta, *ad loc.*). Death for the latter offense is by strangulation (*l. c.*). Philo (Tischendorf, *Philonea*, 77) makes death the penalty for *every* manner of insult to parents, and death by stoning the penalty for striking parents (*l. c.* and Frag., II, 629). The Karaites⁹⁶ agree with Philo and refer Ex. 21, 15 to *any* physical violence against parents; see Mibḥar, Exod., 41b: *ומכה אביו ואמו : בכל מיני מכה בין שיש בה חבורה ובין שאין בה חבורה*; so also *בחר תורה*, Exod., 70b and Samuel al Magrabi, ed. Gitelson, 17. Nor do the Karaites in Exod. 21, 17 condition the use of the Divine Name. See Hadassi, Alph. 272^ט (103d); Mibḥar, Exod. 42a; *כתר תורה*, Exod. 70b, and Samuel al Magrabi, *l. c.*, 19. They agree also with Philo in making death by stoning the penalty for violence to parents. See Hadassi, Alph. 267^י (102c) and *כתר תורה*, Exod. 70b; comp. Büchler, *MGWJ.*, L (1906), 683.

Philo (II, 330; but see *Quaest. in Ex.* II, § 6) states that distinction is to be made in punishment between insult to a public officer and a private person. Tradition makes

⁹⁶ For the Samaritan view comp. *ZDMG.*, XLVII (1893), 681. Mark 7, 10 ff. and Matthew 15, 5 ff. (comp. commentaries) perhaps refer to this older interpretation of Exod. 21, 17: that *every* manner of insult to parents is punished by death.

The Karaites decry what they falsely ascribe to the Rabbanites: the opinion that punishment is inflicted only when the curse or blow affected *both* parents; Hadassi, Alph., 249, says: *הורו כך במכה אביו ואמו מות יומת*; *אינו חייב אלא עד שיכה את שניהם כבת אחת* וכן בקללה עד שיקללם כבת אחת; so also Alph. 250^ס; see also Salmon b. Jeroḥam quoted by Neubauer, *Aus d. Petersburger Bibliothek*, 111. See Sanhedrin, 85b; Mekilta on Exod. 21, 17; Sifre on Lev. 20, 9.

no such distinction." This view, however, is found among the Karaites. Jepheth b. Ali (quoted in Mibḥar, Exod. 42b) punishes cursing מֶלֶךְ or נִשִּׂא with death. Hadassi (Alph. 343²) states that cursing a righteous Judge is a capital crime; so also Samuel al Magrabi (ed. Gitelson, 21) who also states (MS., 147b) that even the cursing of the patriarch of a tribe or family is punished by death.

MARRIAGE LAWS

7. The issue of a prohibited alliance⁸⁸ is a bastard (ממור) and the law enjoins concerning him: **לֹא יבא ממור בקהל**: (ממור) (Deut. 23, 3). Tradition (Yebamot 8, 3) refers it to marriage. Philo, as was pointed out by Ritter (91, n. 5),

⁸⁸ Weiss, *Dor*, I, 126, note, relying on Kiddushin 66a: **הַדְיוּט שֶׁבִּישְׂרָאֵל** believes this to have been the Sadducean view (the מִלְקוּת was not, as Weiss *l. c.*, states, in accordance with Deut. 22, 18, but because Judah (or Eleazar; see Josephus, *Ant.* XIII, 10, 5) was a single witness; see Pesahim 113b: **נִגְדִיָּה לְיִגְדֹר**...). See also Josephus, *C. Ap.*, II, 23 that disobedience to the high-priest is punished like impiety toward God (comp. *Ant.* IV, 8, 14). It is, however, possible that Josephus had in mind the law of Deut. 17, 12; see Grätz, III², 110, note 1; comp. Maim., Maim., **פ"ה**, Sanhedrin, 10, 5: **מִיתָה לְכַבֹּד** [לֹקֵן מִמּוֹרָה] ולכן חייבתו תורה **לֹקֵן מִמּוֹרָה** בית דין ומעלתה כמו שחייב המקלל אביו ואמו ומיתת אביו ואמו מיתה לכבוד אביו ואמו.

⁸⁹ Against Geiger's anti-traditional interpretation of ממור (*Urschrift*, 54 ff.; 350) see Rapoport, **נחלת יהודה**, 78 ff. For the Septuagint see Frankel, *Einfluss*, 204, and for Philo see Ritter, 91, n. 5. Most of the later Karaites agree with the accepted talmudic interpretation of ממור (Sifre, II, 248; Yebamot 4, 13; Kiddushin 3, 12; see p. Kiddushin 3, 2; Tosafot Yebamot 49a, s. v. **שִׁמְעוֹן**; Maim., **אִיסוּרֵי בִּיאָה**, 15, 1; Frankel, *Grundlinien d. mosaisch-talmudischen Eherechts*, 5, n. 21 is to be corrected accordingly); see Mibḥar, Deut. 19b; so also **גֵּן עֵדֶן**, 149c: **וְאִוִּיָּה הוּא מִמּוֹר הַנּוֹלֵד מֵאִיסוּרֵי**; **עֵרֻוָּה מַחִיבֵי כְרִיתוֹת**; but see Hadassi, Alph. 278² (105d) and Samuel al-Magrabi, ed. Gitelson, 11, l. 14. For a peculiar interpretation of the concept ממור by some early Karaites as referring to the Chazars see Harkavy, *Semitic Studies in memory of Dr. Kohut*, Berlin 1897, 246-7.

interprets this verse, verses 2, 4 (II, 261), and v. 9 (II 393) to mean that the **ממור** is not to mingle with the community of Israel and does not refer to marriage. In his exposition of v. 9, (II, 393) he says: “... καλῆιν εἰς ἐκκλησίαν καὶ μεταδιδόναι θεῶν λόγων, οὐκ ἔστιν τοῖς ἀντοχθόνας καὶ εὐπατριδας ἱεροφάντῃσθαι.”⁹⁹ This view, as Samuel al Magrabi informs us, was held by many Karaites (MS., 91b) ודע כי אישר דברנוהו הוא על דעת רוב החכמים ז”ל וגם התיר קצתם זאת הבעילה על תנאי כי יהיה זרעם פחות והוא כי יששן נתן בתו לירחע עבדו והיה מצרי ... ובדעתם כל הנאמר בו לא יבוא לא ירצה בו הבעילה אבל רצונו בזה בעתות הקרבנות והישמחות בחופות חתנים ומילות ובקהלות האומה והביא ראייה ממאמרו אישר ציויתי לא יבואו בקהל לך אחר אמרו כי ראתה גוים באו ממדשה.

This is also the view of most of the Karaites. See "דוק המשפט של ילד הנולד מן ערוות : (140b) Hadassi, Alph. 365 : מן אשת איש ומן גויה ומכל דרך אסור בזמן זו גלות נדודי : להוציא הילודים ואמותם מיחס זרע הקדש ... ואם יש הפץ לאחד מישראל להתחתן עמהם יכתב בכתובתם כעורם וקלקול ייחוסם לדורות להחרידו כאשר (148d) Alph. 373 ; כתוב ולשישן עבד מצרי Aaron b. Joseph (Mibḥar, Deut. 19b) states that Sahl b. Maṣṣliah (second half of the tenth century) held that marriage with a ממזר is not forbidden : ולא ירעתי טעם לדברי : רבנו סהל ישאם יחפון ישראל יקחנו [את הממזר] , לא יבא ממזר בקהל , as did Philo, Hadassi, and the Karaites mentioned by Samuel al Magrabi, to mean that the ממזר is not allowed to mingle in the community.¹⁰⁰ See also Mibḥar, *l. c.* : בכל דבר ה' יבא בקהל : והנכנס בנשואין לבר , *ad loc.*

⁹⁹ See Michaelis, *Mos. Recht*, II, § 139; Ewald, *Alterth. des Volkes Israel*, 247; comp. also Rapoport, נחלת יהודה, 46.

¹⁰⁰ The interpretation given by Geiger (אונגר נחמר, IV, 21-2) to this view of Sahl is forced and unnecessary. Geiger's reference (*l. c.*, 22) to Sahl's opinion quoted in Mibhar, Deut. 6b, has no bearing on his view

8. In the exposition of the law of Deut. 21, 10-15 concerning marriage with a female captive of war, Tradition makes no distinction between a married woman and the unmarried (Sifre, *ad loc.*; Kiddushin 21b: ואשת — איש). So also Josephus, *Ant.* IV, 8, 23. The Karaites hold that this law refers only to the case when the captive

here. Sahl's interpretation there of החרם תחרים אתם (Deut. 7, 2; comp. טירת כסף to Mibhar, Deut. 6b, letter 115) is held by many Rabbanites; see e. g. Nahm. on Deut. 20, 10. The Karaite anti-traditional view (see Kiddushin 3, 13; b. *ib.*, 68ab and parallels) that children born to a Jew from a Gentile woman are considered to be Jews which caused the early Karaites to interpret להוציא in Ezra 10, 3 as referring to the mothers only (Pinsker, II, 23, n. 12; Geiger, *l. c.*; see also Benjamin Nahawendi, מושאת בנימין, 6b: אבל מבנות עכו"מו ואמהות בני בלו שם לא נקראים אלא על שם אביהם שנ' רגשות: (141d) 366' (141d) similarly Hadassi, Alph. 366' (141d) 365' (140b) goes back to talmudic times and was held by Jacob of נבוראי (p. Yebamot 2, 6; p. Kiddushin 3, end; G. rab., 7, 3 and parallels) who seems to have been suspected of some מינות (see above, note 73). See also the early Bible critic (ed. by Schechter), *JQR.*, XIII, 362, lines 22-25, and note on p. 371.

The assertion of M. Friedmann (*Beth Talmud*, I, 106) that the Karaites, like Tradition (Yebamot 8, 4, b. *ib.*, 76b ff. and parallels), interpret Deut. 23, 4: עמוני ולא עמונית is erroneous. All Karaites attack this traditional view. See Elias b. Abraham (Pinsker, II, 105); Mibhar and כתר תורה *ad loc.*; גן עדן, 146b; 149d ff.; אדרת אליהו, 93c; אורה צדיקים, 17b; A. Firkowitsch, חותם תכנית (appendix to the מבחר ישרים. Goslow 1835), 51a; comp., however, Hadassi, Alph. 323' (119b). The legitimacy of David (descendant of Ruth the Moabitess) they save by asserting that Deut. 23, 4 refers only to those who do not embrace Judaism.

Schorr (החלוץ, IV, 43) claims that Maimonides is inconsistent in considering עמוני ולא עמונית (איסורי ביאה, 12, 18; not 12, 9) the law of הלכה למשה מסיני as this law is disputed, and quotes Yebamot 8, 4; ואם לרון and יש תשובה and Tosafot, *ib.*, 77b, s. v. הלכה. Schorr apparently overlooked the fact that לרון and ואם לרון and Tosafot by him quoted refer to the question of עמוני ולא עמונית and have nothing to do with the law of עמוני ולא עמונית.

was unmarried or a widow. See Hadassi, Alph. 281 ; Mibḥar, Lev. 34a, and Deut. 17a and כסף טירת תורה, *ad loc.*; Deut. 24a (but see גן עדן 147d). So also אדרת אליהו, 92b:

ולכן אמרו חכמינו בשבוייה שהיא אלמנה לא לפי דעת בעלי הקבלה
 וכן; so also Abraham b. Josiah Jerushalmi in his אמונה אמן (Goslow 1846), 24a. Samuel al Magrabi (MS. 222a-b) states: דע כי זה מאמרו בעשרת הדברים לא תנאף יגוש: אסור כל אשה בעלת איש אם הוא מאנשי הדת או מזולתם מהאומות.... ומי יחלה את עניניו ונפשו באשת יפת תאר ובספור הכתוב עליה ואמר אולי יהי אישה עורנו בחיים יאמר לו זאת התליה אין בה טענה חוקה כי אנשי זו העיר אולי נהרנו וגם כי בודאי יהי חקירה על זה הענין קודם התחברו עם האשה הנזכרה למען יעשה כפי חפץ הכתוב. That this is also the view of Philo was shown by Ritter, 75.

9. The penalty of adultery with a married woman is according to Tradition (Sanhedrin 10, 1; Sifra קדושים 9 (ed. Weiss, 92a) strangulation. Many Karaites, however, hold that the law of Deut. 22, 24 applies not only to the betrothed, but also to a married woman; the punishment being stoning in both cases. So Samuel al-Magrabi speaking of adultery and its punishment says (MS., 6a) ואם יאמר אומר איך הריגתם יאמר לו הריגתם באבנים כי ידענו זה ממאמרו על המאורשה והוצאתם את שניהם אל שער העיר ההוא וסקלתם אותם באבנים ומתו כי לא הפריש בין הבעולה והמאורשה במשפט כי המאורשה נקראת אשת איש; see also L. Cohn, *Des Samuel al-Magrebi Abhandlung über die Pflichten d. Priester u. Richter*, Berlin 1907, 10, and Mibḥar on Lev. 18, 20 (34a), and כסף טירת תורה, *ad loc.*, letter רלב וגם בבית ישראל אשת איש הנואפת בין בעולה: רלב ... בין מאורשה ענין אחד שהרי גם המאורשה נקראת אשת איש; comp. also כתר תורה, Lev. 58b and גן עדן 194d. That this is also the view of Philo is evident from the fact that he

sets death by stoning even for the *unmarried harlot*,¹⁰¹ see II, 308, where he says: *παλιρ πορνικη κατα τον ιερον λογον ον παρα- δεχεται η πορνη ... Ως ζωνη ουκ και ζημια και κοινον μiasμα καταλυσθω*.¹⁰²

¹⁰¹ See Ritter's comment on this law of Philo (p. 92); but see Book of Jubilees 20, 4 which also seems to punish unchastity of an *unmarried* woman with death (by burning, in accordance with Gen. 38, 24). The early Karaites also considered unchastity of a פנויה to be ניאוף; see Salmon b. Jeroham quoted by Pinsker, II, 62: באשת עמיתך וזה: כדרך הריבונין; comp. also the opinion of Saul b. Anan quoted there (the authenticity of the מקדמה is, however, disputed; comp. also Poznański, אוצר ישראל, VI, 88a). See also the Samaritan reading of Deut. 23, 18: לא תחיה: קרשה (comp. Klumel, *Mischpatim*, p. VI). See also Brüll, *Jahrbücher*, III (1877), 39, n. 104. It is, however, possible that the Karaites, in fixing stoning as the penalty for adultery, were influenced, as in many other instances (Steinschneider, *Beschneidung d. Araber u. Mohammedaner*, 26-7; *id.*, *Polemische Literatur d. Juden*, 398, n. 1; Wreschner, 41, 44), by the Mohammedan law which also punishes adultery with stoning; comp. ZDMG., LIII (1899), 161.

¹⁰² Noteworthy in this connection is the agreement between the view held by the earliest Karaite authorities (Anan and Benjamin Nahawendi) and the practice in vogue among the Alexandrian Jews in the first century B. C. I refer to Tosefta Ketubbot 4, 9; Baba meš'a 104a; p. Ketubbot 4, 8: כשהיו בני אלכסנדריא מקדשין נשים אחד (אחר) בא וחוטפה מן השוק: which seems to indicate that the בני אלכסנדריא considered betrothal not so binding as נשואין (A. Brüll, *Fremdsprachliche Redensarten in den Talmuden u. Midraschim*, Leipzig 1869, 32, note, wrongly translates this passage: "Wenn die Alexandriner sich Frauen angelobten, nahmen sie sie gerade von der Strasse weg."). Büchler (*Festschrift zu Israel Lewy's siebzigstem Geburtstag*, Breslau 1911, 123, n. 3) justly remarks: "Vielleicht war hierin hellenistischer Einfluss wirksam" (Büchler, *l. c.*, thinks that the words (or לביתי לחופה) לכשתכנסו were inserted in the כתובה שטר to make the ארוסין unbinding. But, then, what was the purpose of the ארוסין and of the כתובה?). Philo also states (II, 311) that there are many who do not consider unchastity with a betrothed woman to be adultery, though he himself agrees with Tradition (comp. Frankel, *Grundlinien d. mos.-tal. Eherechts*, XXIV ff.) that betrothal is as binding as marriage (*ib.*, and II, 229). See also p. Hagigah 2, 2: היו בני ירושלים כותבין: מירושלים הגדולה לאלכסנדריא הקטנה: עד מתי ארוסין יושב אצלם where ירושלים (p. Sanhedrin 6, 6 reads: בערי, but see Halevy, דורות הראשונים, I, c. 478, note) is perhaps an allusion to the view of the בני אלכסנדריא

10. Philo (II, 310) states that violation of a widow or divorced woman is a crime approaching adultery and the court shall decide upon the punishment whether it be physical chastisement or pecuniary fine.¹⁰⁸ Tradition, as Ritter (90-91) observes, makes no distinction between a divorced woman or widow and a woman who has never been married. A view similar to that of Philo is held by the Karaites, some of them even making carnal intercourse with a widow or divorced woman a *capital* crime while most

concerning ארוסין as not being binding. This view of the Alexandrian Jews was held also by the earliest Karaites who maintained that the betrothed can sever their connections without a writ of divorce and that, in general, betrothal does not have the force of marriage. See Anan (ס"המ, ed. Harkavy, 118) קא אבא : כי יקח איש אשה ובעלה אלמא אי לא בעלה לא צריך (118); ספר כריתות ובעדים סגיא ליה למפטרה משאת, Benjamin Nahawendi, שולח מאורשות דין בעדים שלא פרש בהן בגט המקרא שנ' כי יקח, 5b; בנימין, 5b; so also Hadassi, Alph. 365 (141a); comp. also גן עדן, 154c.

Geiger, relying on the view of Beth Shammai: אין כמאנין אלא ארוסות (Yebamot 13, 1), claims that the older halakah distinguished in a similar manner between ארוסין and נשואין (Jüd. Zeitschr., II, 97; Nachg. Schr., V, Heb., 162). As the marriage of a minor by her mother or brothers is only a Rabbinic institution, the view of Beth Shammai concerning מיאון does not prove much. Hadassi, Alph. 250^b (96b) and 334-5 (123ab) falsely states that according to the Rabbanites a minor given to marriage by her father (Deut. 22, 16) is free to annul her marriage through מיאון and reads in Yebamot 108a: אי זהו מיאון ... אי אפשי בקידושין שקדשוני אבי ! (Holdheim, מאמר האישות, 53, note, erroneously ascribes this view to Elias Bashyazi; see to the contrary, his אדרת אליהו, ע' נשים, ch. 2). For another misrepresentation of a traditional law by Hadassi see above, note 96; see also Bacher, MGWJ., XL, (1896), 21, n. 5.

¹⁰⁸ Büchler's suggestion (MGWJ., L (1906), 674, note) that this law of Philo goes back to the more ancient view (represented by Beth Shammai) allowing divorce only in case of the wife's adultery and considering the divorced woman to be still to some extent an איש, is not plausible as it does not account for Philo's view concerning אלמנה. Moreover, Philo and the Karaites do not share the view of Beth Shammai and allow divorce for any cause. See, for Philo, Ritter, 70, note 1 and, for the Karaites, above.

of them are, like Philo, satisfied that a special penalty be imposed on the offender, such as the court may deem best. See Hadassi, *Alph.* 278: ... וזנות חלק הג' הוא הזונה עם האלמנה ... או עם הגרושה גדול עונו ומעלו ... ויותר מחמירים עליו משפט מות כי הן נשי איש תקראנה שנ' אישת נבל הכרמלי תאמר תורתך: יען כי הלא נבל מימים רבים מת ועוד היתה אישת נבל: וכן שאמר איש ינאף את אישת איש וגו' בין שהוא חי בין שהוא מת כי בא עליה בלי צווי ותנאי אלהיד כן זאת אלמנה גרושה הן נשי פלוני נשי איש וגרש או מת אסורות והבתולה: 158c, גן עדן so also; וחמורות הן בלי תנאי ואירושי איש שהיא גרושה או אלמנה אף על פי שאינה שכובה מרבית החכמים דנו so also; אותן הבא עליהן כדון הבא באשת איש שהוא מחויב מות... וגם אמר קצת מהחכמים ז"ל כי: (MS. 86b) Samuel al Magrabi האלמנה והגרושה נכנסים גם הם בזאת האזהרה [לא תנאף] אם יתעלל בהם בלא קידושין וברעתו כי השוכב מנאף ויחויב מיתה.

II. Tradition (*Soṭah* I, 1; *Sifre* on Num. 5, 13) makes warning by husband and subsequent סתירה of wife with the man against whom she has been warned condition precedent to subjection of the woman to ordeal of Num., 5, 15 ff.¹⁰⁴ Philo, speaking of this law (II, 308), says that in case the husband suspects his wife of adultery they are to bring the matter before the court in the Holy City (comp. *Soṭah* I, 4) and if the court is undecided the woman is to submit to the ordeal; Philo, evidently, not considering necessary suspicion of a particular man, warning (קניי) and סתירה.¹⁰⁵ This is also the view of the Karaites. See Hadassi, *Alph.* 328, end and 239; *Mibḥar*, Num. 5a: כתר ואין הטעם כדעת בעלי: 157b, גן עדן Num. 7a; so also

¹⁰⁴ One of these must be before witnesses (*Soṭah* I, 1). The accepted norm (*Maim.*, סוטה, I, 1-2) requires witnesses for both.

¹⁰⁵ Ritter (pp. 81-85) discusses this law as given by Philo; he fails, however, to notice this essential deviation of Philo from Tradition.

הקבלה שאמרו שנסתרה כשיעור ביאה ואומרים שצריכה עדי קנוי ועדי סתירה ואז ראוי להשקות ...¹⁰⁶

12. Tradition takes Deut. 22, 20: *אם אמת היה הדבר* to mean that in case adultery *during betrothal* has been established by the testimony of *witnesses*, penalty is death (v. 21) in accordance with Deut. 22, 24 (Sifre, *ad loc.*; Ketubbot 46a; comp. Frankel, *Der gerichtliche Beweis*, 49). Philo, in his exposition of this law (II, 313), says that if the husband's charge be found true, the parents of the woman are guilty of having deceived the husband at the time of the *betrothal*. Philo, evidently, held that the accusation of the husband, whose substantiation involves death, was *unchastity before betrothal*.¹⁰⁷ This is also the view of most of the Karaites. See Hadassi, Alph. 366 (141b-c) that the mere absence of the בתולים is sufficient to convict her: "חייבים אב ואם שלה להכין על היצוע שמלה "טענתו עוד אם לא יבינו האם והאב או הנמצאים בעת ההיא את השמלה על המטה וחוא צועק ומגיד בבעילה ראשונה כי לא מצאתי בתולים לנערה בין שמבקשים את השמלה ולא היא נמצאת בסקילה חייבת היא הנערה : טעמו שאמר : לא נמצאו בתולים לנערה : והוציאו את הנערה "דרוש ידרשו הדיינים ואם יש שמלה ופרשו : (140c) Alph. 365 השמלה וגו' והאמת יגידו ... ואם אמת היה הדבר לא נמצאו לה בתולים אם מוכת עין היא או מכל מכה או מחולי ועדים על זה יעידו ... ואם אין

¹⁰⁶ In case the suspected woman refuses to submit to this ordeal she is, according to Tradition (Soṭah 1, 3), to be divorced and forfeits her dowry. Some Karaites consider such refusal *prima facie* evidence of her guilt and say she is to be put to death as an adulteress; see אדרת אליהו 98a: אמנם אם באה לנקות עצמה ומאנה בשתיה נהרגת; comp. *ib.*, 98b. All Karaites agree that in case the woman confesses her guilt, it is sufficient to convict her; see Mibḥar, Num. 5a: שוברת כתובתה ויוצאת ואם הודית [שזינתה] וילדעת חכמי הקראים נהרגת והוא הנכון כי פיה כמאה עדים כתר (comp. also 7b; גן עדן, 156d; אדרת אליהו, 98b and above, note 82).

¹⁰⁷ See *Werke Philos*, II, 207, n. 3. Ritter (p. 77) overlooked this deviation of Philo from Tradition. For the view of Josephus, see Weyl, 87, 105.

זה ולא זה מחויבת היא סקילה כדן תורה. See also Mibḥar, Lev. 38b; comp. טירת כסף, *ad loc.*: ... שהרי מצינו גם בבית ישראל דין ... כזה המוציא ישם רע על בחולת ישראל ואם באמת לא נמצאו בתולים לנערה חייב לה הכתוב סקילה בפתח בית אביה בלי הסגיל הנאי אם ...¹⁰⁸ so also *ib.* to Mibḥar, Deut. 19a, letter 77. So also Samuel al Magrabi (Ms., 97a): ואמר קצתם כי לא תהרג אלא בישי עדים עליה בזנות וזה רחוק מנאמר הכתוב כי הכתוב יגיש וזולת זה Tradition that *negatio virginitatis* is not *prima facie* evidence of her guilt. See אדרת אליהו, 96ab: ואם שזינתה או נאנסה קודם הארושין אין לה מות. אמנם אם לא תביא נחלקו החכמים. מהם אמרו והם הרוב שאין לה משפט מות אם לא יעידו שזינתה אחר הארושין ... וקצתם אמרו שכל זמן שלא תביא ראיה שזינתה קודם הארושין היא בחזקת שזינתה אחר הארושין וחייבת

¹⁰⁸ Related to this Philonian-Karaite interpretation of Deut. 22, 20 is the Karaite interpretation of Lev. 21, 9. Tradition refers this law to a betrothed or married daughter of a priest (Sifra, *ad loc.*; Sanhedrin 50b ff.; Ps.-Jon., *ad loc.*). The Karaites maintain that this law—*שרפה* for unchastity in a priest's daughter—refers also to the unmarried. See Hadassi, Alph. 330 (121d): Mibḥar, Lev. 38b: ...; ובדעת הקראים בפנייה הכתוב מדבר: כתר תורה, Lev. 58b. Samuel al-Magrabi (L. Cohn, *Des Samuel al-Magrebi Abhandlung über die Pflichten d. Priester u. Richter*, 9) even asserts that this law applies also to כהן בן כהן guilty of unchaste conduct with a woman married or unmarried; comp. also Mibḥar, Gen. 60a and טירת כסף *ad loc.* and to Mibḥar, Lev. 34a, letter 232. This is also the view of Philo (? Hoffmann, *Leviticus*, II, 90) and Josephus (*Ant.*, IV, 8, 23; comp. Ritter, 81; P. Grünbaum, *Die Priester Gesetze bei Flavius Josephus*, Halle 1887, 18, n. 2; Weyl, 106). Comp. also B. Beer, *Das Buch d. Jubiläen u. sein Verhältniss zu den Midraschim*, Leipzig 1856, 58. The view of Büchler (*MGWJ.*, I, (1896), 681, n. 2) that this was also the view of R. Eliezer (Sanhedrin 51a) is very improbable; comp. also Weiss, *Dor*, I, 151.

For the mode employed in the execution of בת כהן (כאש תשרף; Lev. 21, 9) which, according to Rab Joseph (Sanhedrin 52b), was taken by the Sadducees (so also Josephus, *Ant.*, IV, 8, 23) literally (comp. Brüll, בית הלל, IV, 7 ff.; Weiss, *Dor*, I, 151; Büchler, *l. c.*, 549 ff., 557 ff.) the Karaites disagree among themselves; see Samuel al-Magrabi, *l. c.*; comp. also Hadassi, Alph. 324 P.

מישפט מות; the later Karaites thus disagreeing among themselves only as to the mode of proof of the woman's guilt or innocence *after* betrothal.¹⁰⁹

13. Num. 36, 6-10 provides that when a man dies without male issue and his daughter inherits his property, the heiress is to marry only within her tribe so that the allotment of one tribe might not pass over to another. According to talmudic interpretation (Baba batra 120a ff.; comp. Pseudo-Jonathan on verse 6: דא פתנמא דפקיד ה' לא לדררא דעתידין למיקום בתר פילוג ארעא אלהן לבנת צלפחד and *Urschrift*, 447) this rule applied only to the "generation of the conquest," while according to Samuel (B. b. 120a) even in the case of the daughters of Zelophehad it was not a command, but merely counsel: עצה טובה השיאם הכתוב (but comp. Ritter, 97, n. 1, and Ibn Ezra, *ad loc.*, v. 8).

Philo¹¹⁰ states that in case a daughter inherits she is to marry one of her *relatives* (based perhaps on Num. 36. 11), in the absence of which she must at least not marry out of her tribe, thus applying the law of Num. 36, 6-10 to all generations.

¹⁰⁹ According to the scholion of Megillat Taanit (ch. 4) the Boethusians interpreted השמלה literally (ומפרשו כממש). Rapoport (דברי שלום ואמת, 14); Geiger (*Urschrift*, 148) and Ritter (133 ff.; comp. Büchler, *l. c.*, 680, note; comp. Weiss, *Dor.*, I, 117) consider this report unauthentic as this view is held also by R. Eliezer b. Jacob (Sifre, II, 237; Ketubbot 46a); see, however, Halevy, דורות הראשונים, I, 415-18.

¹¹⁰ See Treitel, *MGWJ.*, XLVII (1903), 409. Philo explains also the law of *yibbum* (Deut. 25, 5-11) as a means that the allotment of one might not pass over to another (II, 443; Ritter, 69, n. 3 errs in asserting that Philo mentions nowhere the law of יבום) which is also the prevailing view among the later Karaites (comp. Poznański, *REJ.*, XLV (1902), 62). Josephus also considers the law of Num. 36, 7 as applying to all times (*Ant.*, IV, 7, 5; comp. Ritter, 96-7). This view is shared also by the author of Tobit 6, 12-13; comp. M. Rosemann, *Studien zum Buche Tobit*, Berlin 1894, 3 ff. and F. Rosenthal, *Vier apokryphische Bücher*, Leipzig 1885, 116, note.

The Karaites, like Philo, apply the law of Numb. 36, 6-10 to all times; see Hadassi, *Alph.* 260 (99a); Mibḥar, *ad loc.* (33a), and בתר תורה, Num., 50b: וכל בת יורשת נחלה: בא להתמיד הדבר לדורות על כן לא יתכן מאמר בעלי הקבלה ... עד גן עדן; שאמרו שהמצוה לשעתה אלא אח"כ תסוב הנחלה ודע כי הבת: 171b; so also Samuel al Magrabi (MS., 263a): וזולתה מהנקבות אם יתהוה להן ירושה מנחלת ארץ לא יבשר להן כי יהיו לנשים מזולת הישבת שלהן למען לא יתהוה להן זרע מזולת הישבת וירש אותן אחר מותן ותצא הנחלה הנזכרה לזולת הישבת ...

14. The law of Lev. 21, 2-3 enjoining the priests not to defile themselves by approaching a dead body says, "But for his kin that is near to him..." (v. 2a), כי אם לשארו. הקרוב אליו.

The talmudic interpretation finds in the words כי אם לשארו support for the tradition that a priest is to defile himself by approaching the body of his wife¹¹¹ (Sifra, *ad loc.*: אין שארו אלא אשתו שנ' שאר אביך הוא; Yebamot 22b). The Karaites, rejecting this interpretation of שארו,¹¹² forbid the

¹¹¹ See Maim., אבל, 2, 7: ואינו מטמא לה אלא מדברי סופרים; comp. commentaries and לחם משנה, *ib.*, 2, 1. Weiss (*Dor*, I, 46, note) quotes: (Zebahim 100a; Sifra, Emor, 1; Semahot, ch. 4) as proof that the law of טומאת כהן לאשתו was not universally accepted. Weiss apparently overlooked the fact that the wife of יוסף הכהן died בערב הפסח (*l. c.*) and defilement would have barred him from participation in the קרבן פסח, whereas טומאת כהן לאשתו is, according to many, only רשות פסח; see Zebahim, *l. c.*; and Tosafot Soṭah 3a, s. v. לה; comp. Büchler, *Der Galiläische Am-ha-Areṣ*, 205 and n. 2.

¹¹² Most of the Karaites reject also the talmudic interpretation of לשארו in Num. 27, 11 (Baba batra 8, 1; Sifre, *ad loc.*; Maim., נחלות, 1, 8 accepts the view (Ketubbot 84a) that ירושת הבעל is only מדברי סופרים) and hold that the husband does not inherit his wife; see Mibḥar, Num., 37a; גן עדן, 170d ff.; בתר תורה, Num. 42a; אפריון, 28; לבוש מלכות, 50. Mordecai b. Nisan (לבוש מלכות, *l. c.*) states: ואמרו כי מאמר וירש אותה היא מצוה בפני עצמה והרצון שהבעל יורש את אשתו והם החליפו הכתוב מעיקרו ...

defilement of a priest in case of wife's death; see Mibhar *ad loc.* (38a) (comp. טירת כסף, *ad loc.*: לא יאכלו לא יתנו להיות אשתו ומנעד לבעלי הקבלה שאמרו אין שארו אלא אליו; (אשתו והתירו לכהן ליטמא באשתו); so also בתר תורה, *ad loc.* (58a): ובעלי מקרא אמרו שאסור ליטמאות באשתו; comp. also Hadassi, Alph. 206⁷ and אדרת אליהו, 171a; Philo (II, 230) speaking of the law of Lev. 21, 2-3 mentions the six blood-relations, enumerated in these verses, as those for whom the priest is to defile himself, evidently excluding like the Karaites the wife.

15. Philo and the Karaites also agree in the interpretation of Lev. 21, 14. Philo (II, 229) interprets this law to mean that the high-priest must choose his wife from priestly lineage.¹¹³ That this is also the interpretation

(?) ואפילו חכמיהם האחרונים אינם מסכימים לפירוש זה (Benjamin Nahawendi agrees with Tradition ס"המ לענין, ed. Harkavy, 179). Hadassi (Alph. 365⁷ (140a); 367⁷ (142c) holds that the husband inherits his wife if they have children; Samuel al-Magrabi (MS., 269) states: ותדע כי החכמים נחלפו ותרע מי שם ירושתה לאישה אם היא תחת ממשלתו ורשותו והם בני משנה בענין: מי שם ירושתה לאישה אם היא תחת ממשלתו ורשותו והם בני משנה וקצת מחכמינו ז"ל ומהם והם הרבים מחכמינו ז"ל לא ראו בכך comp. Weiss, *Dor*, I, 46, note.

¹¹³ See Ritter, 73, n. 2 and Hoffmann, *Magazin*, VIII (1881), 56. It is, however, possible that Philo recorded here a custom which he believed to be a law. Büchler (*Die Priester u. d. Cultus*, 88-9; comp. also Berakot 44a; Pesahim 49a; Rashi, Yebamot 84b, s. v. כואי) has collected instances which tend to show that also ordinary priests married only daughters of priests (comp. also Grätz, *MGWJ.*, 1879, 499 and Krauss, *JQR.*, VIII, 671). The custom to marry within the family was considered praiseworthy even for non-priests and is commended by the Rabbis; see Tosefta Kiddushin 1, 2; Yebamot 62b; p. Kiddushin 4, 4; Gen. rabba 18, 5; see also Book of Jubilees 4, 15-33; 8, 5-6, 9, 7; but see Kohler, *JQR.*, V (1893), 406, note); comp. also Tobit, 6, 12-3 and *MGWJ.*, 1879, 507, 510 ff. For the view of Josephus see M. Zipser, *Des Flavii Josephus Werk: Gegen Apion*, Wien 1871, 30; Ritter, 73 and P. Grünbaum, *Die Priestergesetze bei Flavii Josephus*, 29-30.

To the Karaite authorities mentioned by Geiger (*l. c.*) that the high-priest is to marry the daughter of a priest may be added Samuel al-Magrabi (ed. Cohn, 12, 1. 24 ff.; Cohn, *ib.*, note 111 remarks: "Diese Ansicht ist nur karäisch, vielleicht nur die des Authors")1).

of the Karaites was already observed by Azariah de Rossi (מאיר עינים, ed. Wien, 68a) (comp. Geiger, *ZDMG.*, XX (1866), 561 ff.; *Nachgelassene Schriften* III, 311-14 V, Heb., 133 ff.; *Jüd Zeitschr.*, VI, 265).

CEREMONIAL LAWS

16. Philo, speaking of the First of the seventh month (II, 295), says that it is called Day of Trumpets, as trumpets are blown that day at the offering of the sacrifices. Their sounding is a commemoration of the giving of the Law. The trumpet being an instrument of war, symbolizes the war between the different forces of nature and humanity, for the pacification of which man must be grateful. Philo makes no mention of the traditional interpretation of יום תרועה (Num. 29, 1), i. e. that the "Shofar" (Sifra on Lev. 25, 9; see Hoffmann, *Leviticus*, II, 247) is to be sounded everywhere (except on sabbath; R. ha-shanah 29b) in Israel on that day and seems to have identified יום תרועה in Num. 29, 1 with ותקעתם בהצצרת, the blowing of trumpets every holiday at the offering of sacrifices (Num. 10, 10).³⁴ The Karaites also reject the traditional interpretation of תרועה and explain it as loud praises to God (Hadassi, Alph. 225; 364 (136a); גן עדן, 58a ff.; כתר תורה; Lev. 67a; אדרת אליהו, 48a; אפרין, 13; לבוש מלכות, 48-9) or

³⁴ Nor does Josephus (*Ant.* III, 10, 2) mention the law of תקיעת שופר; comp. also Book of Jubilees, ch. 6. The Samaritans, like the Karaites, reject the traditional interpretation of יום תרועה, differing among themselves as to its meaning: see Geiger, *ZDMG.*, XX, 570; Hanover, *Dds Festgesetz der Samaritaner nach Ibrahim ibn Jakub*, text, pp. X-XI and *ib.*, 28, 68. Some Karaites take יום תרועה to mean the blowing of any instrument on that day (Mibhat, Lev., 41b; גן עדן, l. c.). Samuel al-Magrabi (MS. 41a) states that תרועה is the sounding of *ḥaṣṣrot* by priests and, in absence of authenticated priests and *ḥaṣṣrot*, not to be observed now.

as the sounding of **הַצִּצְרֵת** on every holiday (comp. **נֵן עֵדֶן**, 58*d*; Hadassi, 136*a*).

The Karaites also reject the traditional interpretation of *ולקחתם לכם ביום הראשון* (Lev. 23, 40) (see Josephus, *Ant.* III, 10, 4) and claim that the "four species" are for the construction of the "booths" mentioned in verse 42, deriving support for this view from Nehem. 8, 14 ff. See *גן עדן*, 56^{ab} (where the views of Anan, Benjamin Nahawendi, and Daniel, al Ḳumṣi are quoted); Hadassi, *Alph.* 168 (64^b); 225-6; 364 (136^a); Mibḥar, Lev. 43^a; *בית תורה*, Lev. 67^b; *אדרת אליהו*, 47^b (where the opinion of Jepheth b. Ali is quoted); Pinsker II, 96; *אפריון*, 14; *לבוש מלכות*, 34, 49.¹¹⁵ Philo, speaking of the Feast of Tabernacles (II, 297), makes no mention of the law of "four species." Philo, as Treitel (*MGWJ.*, 1903, 512) suggests, must have understood verse 40 not as a separate commandment but,¹¹⁶ like the Karaites, as prescribing material for the booths.

17. Tradition (Zebahim 5, 8; Maim., *ה' בכורות*, 6, 4) interprets Lev. 27, 32 to mean that the animal-tithe, *מעשר בהמה*,

¹¹⁵ Some Karaites agree with Tradition in the interpretation of ולקחתם כתר; see גז ערן, 55*b* and the opinion of Joseph ha-Kohen (*l. c.*, 55*d*; אדרת אליהו, *l. c.*).

The Samaritans agree with the Karaites; see Geiger, *ZDMG.*, XX, 544; Hanover, *l. c.*, 16 and 62 (Hanover, 31, n. 2, relying on the words of Ibn Ezra on Lev. 23, 40: והצדוקים אמרו כי מאלה תעשו סוכות והביאו ראיה מנחמיה והצדוקים believes that the Sadducees shared this view, unaware that by וְהַצְדֻקִּים Ibn Ezra refers, as usual, to the Karaites (see above, note 10); see, however, M. Duschack, *Josephus Flavius u. d. Tradition*, 27 and Grätz, III, note 10). Josephus agrees with Tradition (*Ant.*, III, 10, 5); so also the Falashas (Eupstein, *Eldad ha-Dani*, 162). See also Book of Jubilees 16, 4 and B. Beer, *Buch d. Jubiläen*, 47.

²¹⁶ It must, however, be pointed out that Philo (*l. c.*), in contradistinction to Josephus (comp. M. Olitzki, *Flavius Josephus und die Halacha*, p. 25, n. 31 and p. 50), does not seem to require the construction of *special* booths for the Feast of Tabernacles.

like the "second tithe," is to be eaten by the owner within the walls of Jerusalem. Philo (II, 234, 391; comp. Ritter, 123; Driver, *Deuteronomy*, 170, note is to be corrected accordingly) states that the animal-tithe is to be given to the priests.¹¹⁷ The Karaites agree with Philo. See Mibḥar, Lev. 51a; בתר תורה, Lev. 76b.

18. Tradition applies the law of Lev. 22, 19 (תמים) to animal sacrifices only (Sifra to Lev. 1, 14; Menahot 6a and parallels). Philo, as is evident from the reason given by him for the law of תמים (II, 238) holds that תמים refers also to תורים. The Karaites agree with Philo. See Mibḥar, Lev. 3b, והנכון ואמרו בעלי הקבלה אין המומין פוסלין בעוף. שאלו הפרשיות למדות זו מזו; see also בתר תורה, Lev., 5a.

19. Philo (II, 256; comp. *Werke Philos*, II, 93, n. 1) states that all the lights of the sacred candle-stick (מנורה) were extinguished in the morning. According to Tradition (Tamid 6, 1; Sifre on Num. 8, 2; Tosefta, Sotah 13, 7; Yoma, 39a¹¹⁸ and parallels; comp. also Nahm. on Ex. 27, 20 and Tosafot Menahot 86b s. v. ומנה; comp. M. Duschak, *Josephus Flavius u. d. Tradition*, Wien 1864, p. 4, which is to be corrected accordingly) one light was left burning the whole day (נר המערבי). Josephus (*C. Ap.*, I, 22) also states that the lights were never extinguished (see *Ant.* III, 8, 3 that three lights burned in the Temple during

¹¹⁷ So also Book of Jubilees 32, 15 and Tobit 1, 6. Ritter, 123 overlooked that Philo (II, 234) disagrees with Tradition (Bekorot 9, 1) also in requiring מעשר בהמה to be given from all domestic animals. See also Schechter, *Jewish Sectaries*, II, 4, ll. 13-15; comp., however, Hadassi, *Alph.* 205.

¹¹⁸ See Tosefta Sotah 13, 7; Yoma 39a; p. *ib.*, 6, 3: ארבעים שנה ששמש שמעון הצדיק והיה נר מערבי דולק [כל הלילה] מכאן ואילך פעמים דולק שמעון הצדיק; but see Weiss, *Dor*, I, 82, note 1, that this refers to שמעון הצדיק who lived about forty C. E.; see Maim., תמידין ומוספים, 3, 12 and כ"מ *ad loc.*; comp. ת' הרשב"א, ed. Wien, No. 309.

daytime!) The Karaites hold, like Philo, that no lights burned in the Temple during the day. See Mibḥar, Exod. 57a and בתר תורה, Lev. 85b.

20. The Karaites reject the ancient traditional law¹¹⁹ that vows made and oaths taken without due consideration of the circumstances involved may be annulled by a court as those of a daughter by her father (Num. 30, 5-6) and that of a wife by her husband (*l. c.*, v. 7 ff.). See Hadassi, Alph. 139-141, 364 (135a); Mibḥar, Num. 29a; לבוש מלכות, 51; comp. also Maim. commentary on Nedarim, ch. 10, end; ... שזה אצלינו בערי המערב ר"ל היתר השבועות מעשים בכל יום לפי משנה תורה, and *id.*, שבמקומינו אין נובעין בהן מים הרעים ר"ל המינוח, הל' שבועות, 12, 12. This seems to be also the view of Philo who seems to express his objection to the law of annulment of vows by the statement (II, 273; comp. *Werke Philos.*, II, 112, n. 2) that "no man is competent to heal vows."¹²⁰

¹¹⁹ Weiss (*Dor*, I, 81) believes that the law of התרת נדרים was inaugurated in the time of Simon the Just. This opinion of Weiss is based on his view (*l. c.*, 80; so also Geiger, *Urschrift*, 31-2) that שמעון הצדיק did not favor the making of vows; see, however, Rapoport, נחלת יהודה, 23 ff. We do not know whether the law of התרת נדרים was even contested by the Sadducees; comp. p. Berakot 7, 2; Gen. rabba 91, 3. Schechter (*Jewish Sectaries*, I, XVIII; comp. *ib.*, p. 16, ll. 7-8 and notes) believes that the sect which he designates "Zadokite" (see above) held that vows cannot be annulled; comp. also K. Kohler, *American Journal of Theology*, 1911, 425-6.

¹²⁰ The later Karaites accepted, with slight modifications, the law of התרת נדרים; see Kaleb Afendopolo's appendix to אדרת אליהו, Odessa 1870, 227a ff. It is, however, possible that in rejecting התרת נדרים the early Karaites, as in several other instances, turned into a law the general sentiment among the Babylonian Jews during the Gaonic period against the annulment of vows. Jehudai Gaon (quoted by Naḥshon Gaon) states: הלכות לא גרסינן נדרים ולא ידעינן לאסר ולהתיר בה לא נדר ולא שבועה; see חמרה גנוזה, ed. Müller, No. 122; comp. *ib.*, Nos. 117, 120; פסוקות, Nos. 6, 44, 75; שערי תשובה, Nos. 38, 137, 143, 145-6; תורתן של ראשונים,

21. The Karaites agree with Philo also in the interpretation of **לֹא תִשָּׂא גְדִי בְחֵלֶב אִמּוֹ** (Exod. 23, 19; 34, 26; Deut. 14, 21) as prohibiting the seething of a kid or—by analogy—of any other animal in the milk of *its* mother. See Philo II, 399; comp. Ritter, 128.¹²¹ See Hadassi, Alph. 240 (91cd); 360a (132d); Mibḥar, Exod. 47b; **בְּתֵר תּוֹרָה**, Exod. 79ab.¹²²

22. The law of Ex. 13, 13; Num. 18, 15 enjoins the redemption of the firstling of an ass with a lamb, and that, if the owner fails to redeem, the firstling is to be killed by having its neck broken. According to Tradition this law refers only to an ass but not to the firstling of any other unclean animal (Mekilta, *ad loc.*; Sifre on Num. 18, 15; Bekorot 5b). Philo makes this law apply to all *domestic*

ed. Horowitz, I, Nos. 12, 14; so also Sar Shalom Gaon: **כָּךְ רָאִינוּ שְׂאִין** שְׂעִירֵי תְּשׁוּבָה, בדורות הללו מי שיכול להתיר נדרים וב"ש שבועות No. 141; **שְׂעִירֵי תְּשׁוּבָה**, ed. Lyck, No. 37; see however, *ib.*, No. 11 end; **שְׂעִירֵי תְּשׁוּבָה**, No. 48 and **אֵין הֵימ**, *ad loc.*).

¹²¹ See Hulin 8, 1 ff.; Mekilta on Exod. 23, 19; Sifre on Deut. 14, 21. The Samaritans agree with Tradition; see Geiger, *Nachg. Schr.*, III, 303-4; Wreschner, *Intr.*; XXVI. For the view of the ancient Samaritans see Geiger, *l. c.*, 305-6 and *Nachg. Schr.*, IV, 66, 126. For the LXX see Frankel, *Vorstudien*, 183. The practice of the Falashas agrees with the view of Philo and the Karaites (Epstein, *Eldad ha-Dani*, 130, 173; Epstein, *l. c.*, 129-131 believes that this was also the view of Eldad ha-Dani; but see No. 35 of Eldad's Halakah, ed. Epstein. 121). Against the view of Rapoport **עֵרֶךְ מִלֵּין**, 101a (comp. Ritter, 128) that the law of **בָּשָׂר בְּחֵלֶב** was not universally known in Babylonia even long after the destruction of the Second Temple see Halevy, **דִּרְוֹת הָרִאשׁוֹנִים**, I, 128.

¹²² For Anan's interpretation of **לֹא תִשָּׂא גְדִי בְחֵלֶב אִמּוֹ** see Harkavy, **לֵעֲנֵן** ס"ה, 152, n. 1. For other interpretations of this verse by some early Karaites see Hadassi, Alph. 240 (91cd); Jacob b. Reuben (Harkavy, *l. c.*, 155) and Ibn Ezra on Exod. 23, 19. Most of the later Karaites accept the traditional interpretation of **לֹא תִשָּׂא**; see Geiger, *Nachg. Schr.*, III, 303; comp. also **בְּתֵר תּוֹרָה**, Exod. 79a; Samuel al-Magrabī, ed. Lorge, 20-22; **אִפְרִיין**, 24.

animals (II, 233; Ritter, 119 ff.).¹²² This is also the view of the Karaites. See Anan (ed. Schechter, p. 7, ll. 8-15): הטמאה (Num. 15, 18b) טפי בה הי מ[שום דכתיב ופטר] חמור תפדה בשה טאפי האבא הי לאדעד דעל כל ב[המה קאי] והאיי דפרט התם בחמור מיישום דכל בהמה טמאה [בכלל חמור] דכת' שורך וחמור וכל בהמתך אמא מבהמה טהור[ה שור ומבהמה] טמאה חמר ואמא בתריה וכל בהמתך באלה [כללה ?] לבהמ[ה טהורה בהדי] שור ולבהמה טמאה בהדי חמור ומיישום הכי כת' וכל ב[המתך] לאדעד דעל כל פטר רחם ופטר חמר: כי נראה שלא, Exod. 35a: כתר תורה, Alph. 204; הקדיש מבהמות הטמאות כי אם פטרי חמור לבד וכן דעת בעלי הקבלה ובני מקרא אומרים זה הקש לכל בהמה טמאה.

¹²² So also Josephus, *Ant.*, IV, 4, 4. As Olitzki suggests (*Flavius Josephus und die Halacha*, 29) this anti-traditional view of Josephus may be due to his desire to remove any suspicion that the ass occupied a favorable position in Jewish law. This may also account for the view of Philo. Philo omits the law of ויערפתו (Exod. 13, 13; comp. Ritter, 120; Olitzki, *Magazin*, XVI, 178.). Nor do all the Karaites accept the literal interpretation of ויערפתו; see the opinion of Sahl b. Maṣliḥ quoted in Mibḥar, Exod. 19b (comp. Ibn Ezra, *ad loc.*). Aaron b. Joseph (Mibḥar, l. c. and Num. 17b) agrees with Tradition that only the ass is to be redeemed.

The contradiction between Exod. 13, 2 (פטר כל רחם בכני ישראל באדם) and Deut. 15, 19-20 (לפני ה' אלהיך תאכלנו) and between Lev. 27, 26 (לא יקדיש איש אותו) and Deut., l. c. (הזכר תקדיש) ...; the firstling is קדוש *ipso facto* and to be given to the priests (Exod. 13, 2; Lev. 27, 26, Num. 18, 15), whereas the בכור who was owned by an Israelite only at the time of its birth is to be made קדוש by the

The Philonian halakah, in general, is a problem still to be solved. Philo lived in Egypt where as we now know from the papyri recently discovered in Assuan and Elephantine (Sayce-Cowley, *Aramaic Papyri discovered in Assuan*, London 1906; Sachau, *Drei aramäische Papyrusurkunden aus Elephantine*, 1908), the Jews were permanently settled in the sixth century B. C. (comp. Schürer, *Geschichte des Jüdischen Volkes*, III ⁴, 24 ff.).¹²⁴

Alexander the Great transplanted many Jews into Egypt in 332 B. C. (Josephus, *Bell. Jud.* II, 18, 7; *Contra*

owner and belongs to him (Deut. 15, 19-20). See Anan's *Book of Commandments* (ed. Schechter, p. 6, ll. 7-18): וקא [א]מא לי הוא ואף על גב: דלא מקדש [יתי]ה וכתב כל הבכור [אשר יולד בבקרך ובצאנך] הו' ת' ליה' אלהיך קא אמא אשר יולד לאדעך דעל בכור [דא]ת[י]לורי ביני יש' קאים ולא דמורדע אודרועי וקא אמא [תקדיש לה'] אלהיך דצריכת לאקדושה וקא אמא בתריה לפני ה' אלהיך [לאודע] לך (?) דהאיי בכור דאתילורי הוא דאתילורי ביני יש' ולא [דמוד]רע ביני יש' מרואתיה נאכלה בבית המקדש ... וכת' אך בכור אשר [יבכר קא א]מא אשר יבכר לי' בבחמ' לאדעך דעל בכור דמן כד אודרע [בקדוש]תא קאים והינו בכור דמורדע אודרועי ביני יש' וקא אמא [לא יקדיש אי]ש אתו דלא צריך אקדושה וכ' כל פטר רחם לכל בשר [וק]א אמא באדם ובבהמה יהיה לך קא אמא לך דבכר מורדע [אודרועי ביני] יש' לכהן יחבינן ליה; comp. also *ib.*, p. 8, ll. 15-26 and p. 9, ll. 9-10, 21 ff. Kirgisani alludes to this view of Anan (ed. Harkavy, 248) and states that the authority for this law of Anan was found in one of Jannai's liturgical compositions. Harkavy, *Studien u. Mittheilungen*, V, 107, note, is to be corrected accordingly.

¹²⁴ See also Rapoport, נחלת יהודה, 128-9; *id.*, ערך מליץ, 100b ff.; Ritter, 6, 8-9. Herzfeld, *Geschichte*, III, 463; Frankel, *Vorstudien*, 10, and notes; *id.*, *MGWJ.*, 1852, 40.

On the Egyptian Jews and their relation to Palestine see the literature quoted by Schürer, *l. c.*, 147 ff., and in Sweet's *Introduction to the Old Testament in Greek*, Cambridge 1902, 3 ff. In the third and fourth centuries C. E. there were still some Amoraim in Alexandria; see p. Erubin 3, 9; p. Kiddushin 3, 14; comp. Frankel, מבוא הירושלמי, 77a. It may also be pointed out that Judah b. Ṭabbai, to whom the later Karaites (see above, note 4) ascribe the beginning of Karaism, lived in Alexandria; see p. Hagigah 2, 2; p. Sanhedrin 6, 6; comp. Frankel, דרכי המשנה, 34-5; Weiss, *Dor*, 128, n. 1; Halevy, דורות הראשונים, 1c, 474 ff.

Ap., II. 4; comp. Schürer, *l. c.*, 35 ff.; 40). The city of Alexandria early became a great center of Jewish activity, second only to Jerusalem. The existence of the Temple of Onias did not affect the loyalty of the Jews in Egypt to the Sanctuary in Jerusalem (Frankel, *Einfluss*, 157; Schürer, *l. c.*, 147-8). Palestinian scholars often visited Alexandria (Rapoport, ערך מלין, 101*b*). The Palestinian interpretation of the Law and the practices in vogue there were not unknown to them (Frankel, *Vorstudien zu der Septuaginta*, 185-186; comp. Halevy, דורות הראשונים, I, 127, note; 129, note) and the influence of Palestinian exegesis is patent in that great monument of the Jews of Egypt, the Septuagint (Frankel, *Vorstudien zu der Septuaginta; Ueber den Einfluss d. paläst. Exegese auf d. alex. Hermeneutik; Ueber paläst. und alex. Schriftforschung*; but see Herzfeld, *Geschichte*, III, 548 ff.). Philo, the great representative of Egyptian Jewry, knew of the existence of an oral tradition and considered it as binding as the Written Law (see the references by Ritter, 14-5; comp. Neumark, *Geschichte d. Jüdischen Philosophie des Mittelalters*, II, Berlin 1910, 418, note; see, however, *Werke Philos*, II, 289, note).¹²⁵ He also visited Palestine and there saw the people living according to that Tradition (Grätz, *MGWJ.*, 1877, 436 ff.). How are we then to account for the interpretations and decisions in which Philo deviates from traditional halakah? Are such deviations subjective opinions of Philo?¹²⁶ Do they reflect the actual practices

¹²⁵ See also Ritter, 16-7. For Philo's *eruditio hebraica* see the references by Ritter, 10, n. 2 and by Schürer, *l. c.*, 699; comp. also L. Löw, *Ges. Schr.*, I, 7, 303.

¹²⁶ See Treitel, *MGWJ.*, 1903, 415; but see Ritter, 15-16.

in vogue among Egyptian Jewry¹²⁷ or do they go back to a peculiar tradition?¹²⁸

But be this as it may, the fact, which I have attempted to demonstrate, that *in most of Philo's deviations from Tradition the Karaites hold the same view*, points to some kind of dependence of the latter on Philo, or to common descent from a particular tradition. The former view gains in probability from the following:

The Hellenic or Alexandrian method of interpretation of the Scriptures did not remain unknown to the Palestinian teachers of the law and the works and views of Philo found their way to the Palestinian schools.¹²⁹ Moreover, the general belief that Philo and his works were lost to the Jews of the Middle Ages until Azariah dei Rossi, about

¹²⁷ So Ritter 16-17; comp. *ib.*, 28, 63 ff., 90, 93; but see *Werke Philos.*, II, 48, n. 2; 202, n. 3; 258, n. 1. Frankel (*Über palästinische u. alexandrinische Schriftforschung*, 32, nu. 6; *Einfluss*, 157 see *ib.*, 33, n. 9 and pp. 190-201) believes that Philo's exposition of the sacrificial ritual goes back to the practice of the Temple of Onias; comp. also Grätz, *MGWJ.*, 1877, 436; but see Ritter, 109, n. 2; 112.

¹²⁸ See L. Cohn, *Werke Philos* I, 14. The view of Büchler (*MGWJ.*, I, (1906), 706; see also Lauterbach, *Jewish Encyclopedia*, X, s. v. Philo, 16b) that Philo's deviations from traditional halakah represent an earlier halakah (that of Beth Shammai) is still to be proved. Geiger who scanned Jewish literature and that of its sects for traces of ancient halakah took no account, as already remarked by Poznański (*Abraham Geiger, Leben u. Lebenswerk*, 372, n. 1), of Philo. Philo's deviations from Tradition cannot be brought into relation with Sadduceism and the supposed ancient halakah related to it; comp. Rapoport, ערך מלין, 101a. Philo interprets מנחת השבת like the Pharisees (Frankel, *Einfluss*, 137). He considers (II, 230) like the Pharisees (Menahot 65a) the קרבן תמיד a public offering; allows divorce without עירוב דבר (Ritter, 70, n. 1) and seems to agree with the Pharisees also in the law of עדים וזוממים (Ritter, 26, n. 1).

¹²⁹ See Freudenthal, *Hellenistische Studien*, I, 68 ff.; C. Siegfried, *Philo von Alexandria als Ausleger des Alten Testament*, Jena 1875, 278 ff.; Weinstein, *Zur Genesis der Agada*, II, 29 ff.; D. Neumark, *Geschichte der Jüdischen Philosophie des Mittelalters*, II, 70 ff., 84 ff.

the end of the sixteenth century, reintroduced him in Jewish literature, is now proved to be unfounded. The tenth century Karaite, Abu Yusuf al-Ḳirḳisani, in his work *Kitāb al-anwār wal-marātib* (written 937), speaks of a Jewish Sect named "the Magarites" (אלמגאריה). This sect, says Ḳirḳisani, sprang up before the rise of Christianity. The adherents of the sect make the biblical passages that speak of attributes of God refer to an angel who, according to them, created the world (ed. Harkavy, 304). Among them are the works of the "Alexandrine" (אלאסכנדראני) which are the best of the "Books of the Cave" (*ib.*, 283). The same author, speaking of Benjamin Nahawendi whom he considers the second founder of Karaism, says that Benjamin's belief that an angel created the world is similar to the view held by the Alexandrine (*ib.*, 314). Harkavy ingeniously suggested that these "Magarites" are the Egyptian Essenes, known as the Therapeutae. The "Alexandrine" whose works they so highly estimated is *no other than Philo* (*ib.*, 256 ff.) and Nahawendi's "Angel" goes back to Philo's "Logos" (comp. Poznański, *REJ.*, L, 1905, "Philon dans l'ancienne littérature judéo-arabe," where all the material is collected and discussed). The view that some of the works of Philo were known to the Jews in the eighth, ninth, and tenth centuries—the period of religious unrest among the Jews and the birth of Jewish religious philosophy—is shared by many scholars. See Bacher, *JQR.*, VII, 701; Hirschfeld, *ib.*, XVII (1905), 65 ff.; Poznański, *l. c.* (see *id.*, *אוצר ישראל*, III, 128a); Eppenstein, *MGWJ.*, LIV (1910), 200; D. Neumark, *Geschichte der jüdischen Philosophie des Mittelalters*, I, Berlin 1907, 128, 133, 560, 568; II, 372 and 466 ff. Among Philo's (the "Alexandrine's") works—which, as Ḳirḳisani informs

us, were eagerly studied,—might have been those that contain Philo's expositions of biblical laws; Philo thus influencing, not only the theological views of the first Karaite philosophers (Benjamin Nahawendi and his followers), but also their interpretation of biblical laws and their practices.¹⁸⁰

¹⁸⁰ The allegorical method of interpretation, characteristic of Philo, was popular also among the Karaites; see Weiss, *Dor*, IV, 86 and Poznański, *MGWJ.*, 1897, 208, n. 1; comp. also H. Hirschfeld, *Jefeth b. Ali's Arabic Commentary to Nahum*, London 1911, 8 and 10 ff. The Karaites share also the view of Philo that the Decalogue is the text on which the whole Law is but a commentary (this view is found also in the later Midrashim; see the references by L. Löw, *Ges. Schr.*, I, 42. A similar view is found in p. Shekalim 6, 1. Reifmann, *בית הלל*, I, 350 and Weiss, *Dor*, IV, 141 are to be corrected accordingly). Saadia Gaon proved to them by it the possibility of an oral law (comp. Weiss, *Dor*, IV, 141) and the Karaites Nissi b. Noah (eleventh century; see lastly Harkavy, *ס"ה המ לענין*, intr., VII) and Judah Hadassi (twelfth century) arranged their works, like Philo, according to this view.

The Karaite Zerah b. Nathan (end of sixteenth century) was much interested in the works of Philo (Neubauer, *Aus der Petersburger Bibliothek*, 75, 125). The famous nineteenth century Karaite Abraham Firkowitsch indeed asserts that Philo was a Karaite (preface to *מבחר ישרים*, 2a), but, according to him, Jesus was a Karaite likewise (*חותם תבנית*, appendix to *מבחר ישרים*, 54a, 56a; Kırkısani, ed. Harkavy, 305, 9 and Hadassi, *JQR.*, VIII (1896), 436 state that Jesus was a Sadducee); comp. I. B. Levinsohn, *תעיר הסופר*, Odessa 1863, 18-9.

GINZBERG'S "GEONICA"

Geonica. By LOUIS GINZBERG. I. The Geonim and their Halakic Writings. II. Genizah Studies [also under the title: שאלות והשבות הנאונים מן הנניזה אשר במצרים]. (*Texts and Studies of the Jewish Theological Seminary of America*, vol. I-II). New York 1909. pp. XII + 210; (5) + 425, 8°.

THE Gaonic epoch or, more exactly, the period from the completion of the Babylonian Talmud to the flourishing of an independent Jewish culture in Europe is the most momentous in the history of the Jews since the dispersion. To begin with, the Talmud then became the norm and rule of the entire Jewish life, not only of the religious but also of the social life, but the religious life itself was strongly affected and new and unknown horizons opened themselves disclosing new vistas. Various sects, above all the Karaite, undermined the power of tradition and the authority of its official bearers, while mysticism and religious philosophy endeavored to instil a new essence into Judaism, not to mention the fact that through contiguity with Arabic culture profane science penetrated more and more into the Jewish domain, fructifying and fertilizing it. In addition to these currents there were the Midrash and the Piyyut, the Masorah and philology, secular and synagogal poetry, the fixing of the calendar and the development of the liturgy, and other subjects which although not all originating at that time nor all fostered with equal intensity in Babylon, the seat of official Judaism, still were in a measure brought to an end in the Gaonic period, so that the latter impressed its stamp upon them. This period, however, was for a long time most obscure, chiefly because very few accounts of it had come down to us, and hence it became the scene of confusion for all kinds of fantastic hypotheses; but also here has the discovery of the Genizah thrown a new light on many problems, although its finds stretch chiefly over the last period of this epoch. Recent

years have indeed brought us many detailed investigations and minute inquiries concerning the Gaonic age,¹ but superior in importance to all of them is the work mentioned in the heading, for the very reason that besides many new aspects and the new treatment of old questions, to which the first volume is devoted, it offers in the second volume a fulness of new material quite unknown heretofore, which, similarly drawn from the Genizah, enriches our knowledge of the Geonim to a considerable extent.

I

The first volume is divided in two uneven parts, of which the first (pp. 1-72) deals with the institution of the Gaonate, the second (pp. 73-205) on the other hand with the halakic literature of the Geonim. Ginzberg is right in maintaining that the Geonim were not mere presidents of scholastic institutions (so Halevy in *דורות הראשונים* whose views are combatted here frequently and successfully), but representatives of an institution of authoritative standing, and that one misunderstands their essence by considering them as direct successors to the Babylonian Amoraim. On the other hand, however, it seems to me that Ginzberg emphasizes too little the importance of the Geonim in perpetuating tradition, chiefly with regard to the interpretation of the Talmud, which already Abraham b. David of Posquières pointed out in a remark adduced by Ginzberg himself at the close of this volume (p. 205). The characteristics of the Geonim as opposed to the Amoraim are threefold, according to Ginzberg. In the first place, the Talmud abounds in names of scholars who never were heads of schools, while in the Gaonic literature we find learned men only among the presidents of schools and colleges. However, Ginzberg compared here two incommensurable quantities, two totally different kinds of literature; discussions on the one hand, decisions on the other; here differences of opinion concerning the *Mishnah* and cognate questions, there *Responsa* on definite, concrete questions concerning actual occurrences in the religious and judicial practice, including difficult passages in the Talmud; and with queries of such types people naturally turned to the presidents of schools who alone were

¹ See the comprehensive account by Liber (*REJ.*, I, XI, 297-316).

competent to solve them. Besides, Ginzberg himself remarks (p. 7, n. 1) that we possess Responsa also from men who, though living near to the Geonim, were no Geonim themselves. Thus Nathan, who is mentioned three times in Amram's Siddur, is no doubt Nathan Alluf, since from him comes information concerning customs which prevailed in the Academy, see fol. 37a: והכי אמר רבינו נתן ראש ישיבה הכי נהגינו במתיבתא לומר ברכת הרב את רבינו וכו' (and also fol. 35b: והכי אמר רבינו רב נתן שאין מנהג אצלנו לומר: רבינו נתן ראש ישיבה הכי נהגינו במתיבתא לומר ברכת הרב את רבינו וכו' relates to the custom of the Academy). He was only called ראש ישיבה = נאון because he was designated for the position of school president, hence too it is probably he who is meant in the Responsa of Meir b. Baruk, Prague, No. 122, end (where רב נתן נאון).² Hezekiah b. Samuel, on the other hand, probably never wrote any Responsa, at any rate he is not identical with the writer of the epistle in *JQR.*, XVIII, 401, as I have demonstrated in *Riv. Isr.*, VI, 199. Eleazar Alluf, however, is necessarily the author of the Responsum ש"ץ, 26b, No. 23, because on any other supposition the latter baffles all understanding (see also my ענינים שונים, I, 53). The second point of difference between the Amoraim and Geonim Ginzberg sees in the fact that the office of the latter was restricted to a few families and that also other functionaries (as the ריש כלל, אב בית דין, and secretaries) were often recruited from these families—a fact which the pre-

² As to the two passages in אור זרוע (I, No. 640, fol. 176b, and III, ספר המקצעות, No. 373, fol. 56b), which are both derived from the שאלה זו לפני אדונינו ורבינו נתן בריה דרבינו, and the first of which reads: הכי אמר רב נתן גאון זצ"ל, I am inclined to read in the first with Müller (against Ginzberg p. 31 and Marx *ZfHb.*, XIII, 73) אחוה for בריה and to understand the reference likewise to Nathan Alluf, for the ספר המקצעות, as far as we know now, adopted only Responsa from Geonim or from their school, hence it would have been surprising that we should not know anything of the father of Nathan b. Ḥananiah of Kairwan, who was even termed Gaon. אחוה was therefore changed into בריה, just because this Nathan b. Ḥananiah is mentioned in another passage of the אור זרוע (II, 422; fol. 171b). On the other hand, the passage quoted by me (ענינים שונים, I, 60) from the טור אורח חיים § 566, is to be obliterated, since here the author of the Maḥkim is meant (ed. Freimann, p. 17, see *ib.*, p. XX).

served data attest. The third and last differentiating feature is that the Geonim drew salaries. These, however, were probably not permanent in the beginning, for Nathan ha-Babli's remark concerning Joseph b. Jacob, Saadya's rival (*Med. Jew. Chron.*, II, 82, l. 4 from below) : **וְאֶעֱפֹכְהוּ חֶחֶק שֶׁהָיָה לוֹקַח כִּשְׁהֵיָה רֹאשׁ יְיִשְׁבָּה לֹא מִנְעוּהוּ** : **מִמֶּנּוּ** is valid only, as it seems, with reference to the last period, and even then the incomes grew less and less (see *JQR.*, XIX, 399). Also the change of conditions of life during the Gaonate from those of the Talmudic age should be taken into consideration, as is actually done by Joseph b. Judah in his **סֵפֶר מוֹסֵר** (ed. Bacher, p. 120) in defending the Geonim against Maimonides.

An old but exceedingly important source for the time of the Geonim is still the report of Nathan b. Isaac ha-Babli, and whoever institutes inquiries into that age must fall back on this chronicler. Ginzberg too expatiates upon him (p. 22 ff.). It so happens that also here the Genizah has furnished new material through the discovery of a fragment of this report in the Arabic language. Friedlaender who edited this fragment (*JQR.*, XVII, 747 ff.) considers the Arabic as the original, and this view, to my opinion, has not been refuted by Ginzberg. **עֹמֵד עַל** is certainly good Hebrew, and also **עֹמֵד עַל רֹאשׁוֹ** in the sense of "to stand over somebody" (comp. *Riv. Isr.*, VII, 93), and it is true that in general Arabisms do not prove that Arabic was the language of the original, but there is additional evidence in favor of an Arabic prototype, namely the additions which Friedlaender points out as missing in the Hebrew version. Wholly unacceptable, however, is Ginzberg's view that Nathan had recited his story orally in Kairwan and his auditors recorded it both in Arabic and Hebrew, for the differences in the two versions would then have been much greater. Equally improbable is the identification with a certain Nathan of Africa, who is cited in a Responsum of Meïr b. Baruk,* for **אִמְנֵם בְּחִשְׁבֹּתָ הַנְּאֻמִּים שְׁלִי כְּתוּבָה תְּשׁוּבַת רַב נָתָן מֵאַפְרִיקָא** **לִי** does not mean "in a Responsum by Nathan" but "in a [Gaonic] Responsum to Nathan"; to this effect is also the passage quoted

* Ginzberg knows this Responsum only from **אַרְחוֹת חַיִּים**, II, 333; it is found, however, in the *Responsa*, ed. Lemberg, No. 193. Comp. in addition Büchler, *REJ.*, I, 147 ff.; my **אֲנִשִּׁי קִירוּאָן**, No. 39 and Toledano's **הַנֶּר הַמַּעֲרֵב**, p. 221, 248.

by Ginzberg himself from ישערי תשובות מהר"ם בר ברוך, p. 193: ספר גדול מחובר מתש"ו חכמי אפריקא ששאלו מנאוני בבל, and undoubtedly the same collection is meant in both places. *Vice versa* we find also שאלות in the sense of responsa, as in the passage quoted by Ginzberg (p. 161, n. 2) from Harkavy, p. 84: שאלות אלו מרב צמח נאון ז"ל.

As to the value and reliability of Nathan where he is at variance with Sherira, different views prevail. To mention but a few discrepancies, according to Sherira the opponent of the Gaon Kohen-Zedek was the Exilarch David, while to Nathan it was his predecessor Ukba; furthermore, Nathan names Amram b. Solomon and Hai b. Kiyumi as contemporary Geonim in Sura while Sherira ignores them altogether; finally, no mention is made by Nathan of Hananiah, Sherira's father and successor to Zemah b. Kafnoi. Disagreeing with Halevy whose estimate of Nathan is very low, Ginzberg follows Graetz mostly in endeavoring to rehabilitate this historian, even at the cost of very violent harmonizing methods and very doubtful combinations. Such are the attempts to prove that Ukba wanted to take away the revenues of Khorasan not from Kohen-Zedek but from Mebasser; that Nathan's words (p. 79, l. 17): לפי שהיה קרובו של עוקבא ראש גלות: do not refer to David but to Kohen-Zedek; that the reading in Sherira's text should perhaps be דוד דוד נשיא, as if Sherira would say in this manner and not rather דודו של דוד נשיא, and such other attempts. Similarly violent is the identification of Amram b. Solomon with Yom Tob b. Jacob and the assumption that father as well as son had double names (יום טוב עמרם and יעקב שלמה), which is improbable in those days.⁴ The analogies quoted prove nothing, for in מר בר רב אשי, who was called טביומי, the word מר constitutes the title, and משרשיה could very easily be turned into Moses (רשיה). When we do find such a double name, it is mostly due to a defective transmission, as, for instance, in the case of Joseph b. Abba whom Sherira (p. 37), Abraham b. David (p. 64), and his followers

⁴ So already Graetz (*Gesch.*, V, fourth ed., p. 277; comp. Eppenstein's remark *ad loc.*), who, however, by an error calls Jacob b. Natronai the predecessor of Yom-Tob b. Jacob.

Joseph b. Zaddik and Saadya ibn Danān have turned into Joseph b. Judah. It is therefore not impossible that עמרם בר שלמה had arisen in some unknown manner from עמרם בר ששנא, owing to a misconception of the abbreviation ב"ש. Nor is the existence of Hai b. Kiyumi substantiated elsewhere, for the passage from או"ז, I, 197a, adduced by Ginzberg, p. 68: רב סעדיה נאון פ' בשם רב may as well have reference to Hai b. David or Hai b. Naḥshon, since indeed בשם פ' does not necessarily mean oral transmission; but it is more probable that the reading should be רב היי נאון פ' בשם רב סעדיה נאון, for Tosafot Giṭṭin, beginning, mention this explanation as coming from Hai and Saadya (ור"י (שמע בשם רב האי נאון ובשם רב) סעדיה), and this points to the probability that in the original source Hai was placed before Saadya (Mordecai Giṭṭin, beginning, has only רב סעדיה פירש, comp. also Yeroḥam's והוא ארם, XXIV, 2). Nor can we say with Ginzberg that Hai b. Kiyumi was not mentioned by Sherira because he was not Gaon officially, since Nathan states expressly (p. 80, l. 6) ומלך אחריו. This Hai is only mentioned in the Kabbalistic traditional chain of Eleazar of Worms (*Monatsschrift*, XLIX, 697), but probably here too Nathan served as source.

While the rehabilitation of Nathan may be said to have been unsuccessful in this respect, Ginzberg rightly refutes the perverse view of Halevy that Nathan's data concerning the superiority of Sura over Pumbedita had reference to Talmudic and not Gaonic times. Ginzberg was in a position even to corroborate (p. 47) Nathan's statement that the Gaon of Sura withheld the title Gaon from his equal in Pumbedita in his correspondence with the latter, through a Responsum of Jacob b. Mordecai to Joseph b. Shela which is found in several sources and which contains the following: וכתיב הכא לבי דינא דמר רב יוסף ריש מחיבתא בריה דמרנא ורבנא שילא (comp. also Lewin, *Jahrbuch d. jüd.-lit. Gesellsch.*, VIII, 328). Nathan, however, says only that the presidents of the Academy at Pumbedita were not accorded the title Gaon by those of Sura, but he does not say that the former did not bear that title at all. Therefore I must differ from Ginzberg's view that the scholastic heads in Pumbedita bore originally only the title אלוף (identical with ראש כלה) and that only Sherira designated them as Geonim as a token of reverence to his

predecessors. Consequently Samuel ראש כלה, Aḥa's teacher, is hardly identical with the Gaon Samuel b. Mar of Pumbedita, for, if this were so, Hai and his followers, Abraham b. Isaac and Solomon b. Adret (see my ענינים שונים, I, 65), would have certainly called him Gaon. As little identical is Huna Alluf with Huna b. Joseph (see *ib.*, 54) and still less so Judah Alluf דמנהר פקוד דבצרה with Jehudai, the pre-predecessor of Samuel b. Mar (and not follower, as Ginzberg, p. 50, puts it by mistake), for דמנהר פקוד דבצרה proves that he came from נהר פקוד and was ראש כלה in Basra,⁵ a city that stood in frequent relations with the Geonim (see e. g. vol. II, 33. 212). The title Alluf, however, was mostly granted to foreign scholars (see my ענינים שונים, p. 67). Nor is it true that in the Halakot Gedolot the heads of the Academy in Pumbedita are termed Allufim only and never Geonim (which would indeed be natural in a work of Suran origin), for we find e. g. ed. Hildesheimer, p. 185. 842: ושרר רב פלטוי בר אבוי אשר רב פלטוי בר אבוי נאון.

As for details in this part of the book the following is to be remarked: p. 1 the calendar was completed not in Palestine but, as most modern research shows, in Babylonia; see my art. *Calendar (Jewish)* in Hastings' *Encycl. of Religions*, III, 118.—p. 2, n. 1 Against a Jewish apostolate comp. Pines in the *Carlebach-Festschrift*, p. 187 ff.—p. 8 Hai was no ראש כלה and the passage in *Saadyana*, p. 118, proves nothing. As to the words ודלא כתב רבא, I must adhere to my explanation (ענינים שונים, I, 61) in opposition to Ginzberg and Marx who follows him (*ZfhB.*, XIII, 173). Comp. also Aptowitzer, *Monatsschrift*, LV, 634 below.—p. 11, n. 2 To the passages here mentioned add *Sifre*, Deut., § 162 and *Sifre Zuṭa* quoted *Monatsschrift*, LV, 707.—p. 12 Not Amram, Sherira's uncle, but his father Meshwi was ראש כלה, see Sherira, ed. Neub., p. 41 and my ענינים שונים, I, 59.—p. 13 Concerning רב נתן אב הישיבה comp. *ib.*, 61, and as to Israel, the supposed son of Samuel b. Ḥofni, see *REJ.*, LXII, 120, In *Med. Jew. Chr.* I, 189 (so, not 198) Samuel cannot

⁵ This Jehudai is also quoted in *Eshkol*, II, 67 (comp. Brüll's *Jahrbücher*, V, 158): ואמ' רב יהודאי ריש כלה דמנהר. פקוד מבצרה כהן קורא ג' פסוקים לוי (58): ענינים שונים, I, 56. ג"פ וישראל ג"פ ואל ידלגו וכו'.

be emended into Israel, for the year of decease 1345 Sel. (= 1034) is that of Samuel: rather should שמואל הכהן בן אדננו be obliterated in the line before the last, so that Hofni's year of decease 1324 Sel. (= 1013) would be obtained, see *REJ.*, LXIII, 318. —p. 16 Sherira indeed says expressly that the vacancy at Sura occurred not before Moses b. Jacob but after his decease: —p. 41 ובתריה מר רב משה כהנא ... ועמדו שתי שנים בלא נאון Concerning בית רבינו שבבבל see also *ZfhB.*, XIII, 10.—p. 51, note. The expression בשביל is not peculiar to Natronai alone, see *Pardes*, 5b (No. 280) ... בשביל כך אמר מר רב יהודאי נאון ... בשביל ... החיה שקיטע הלכה וכד (comp. on this point *REJ.*, LVII, 245), also vol. II, 231, l. 8: בשביל דינרא דרהבא, a Responsum which Ginzberg himself (p. 229) ascribes to Hai. Also the Responsum ed. Harkavy (הגנן, IV, 73): ובשביל בישולי נויים probably does not come from Natronai (see further below),—*ib.*, n. 2 Regarding the Responsa of the Geonim to Kairwan comp. my אנשי קירואן, p. 5 ff., where Hilai b. Mari (792-801) is suggested as the first Gaon who came in contact with that city. That also Saadya sent Responsa to Kairwan directly is perhaps to be concluded from Harkavy, *Stud. u. Mitt.*, IV, 93, l. 7.

The second part of the first volume deals, as already mentioned, with the halakic literature of the Geonim, for, as Ginzberg amplifies, the Halakah in its threefold manifestation: Talmudic exegesis, Codification, and Liturgy, was the exclusive domain of the Geonim. Saadya busied himself also with other subjects, not because of but in spite of being Gaon. Still also the earlier Geonim dealt with at least two more subjects, with Midrash and Mysticism. Thus it is said of the Midrash *Esfah* in the well-known passage in *Yalkut*, I, 736 (quoted by Ginzberg, p. 104 note): ולמד אותם בתרביץ: מוצא (מרנא) ר. ורבנא חנינאי כהן ראש ישיבה נאון. As to the mystic writings it is not proved that they had Geonim as authors, and Hai even rejects their authority in his well-known Responsum in מעם יקנים; the earlier Geonim, however, indulged in these things by all means (see Weiss, IV, 49). However that may be, the chief merit of the Geonim lies in the fact that they codified the Talmud and considered its interpretation eminently as their task.

The oldest work of the Gaonic time is the She'eltot by Aḥa of Shabḥa, who, though an offshoot from the school of the Geonim,

was not endowed himself with the title Gaon and hence emigrated to Palestine. Ginzberg devotes to this work a whole chapter (p. 75-95), proving against Halevy that the She'eltot came into existence not before Aḥa's emigration to Palestine but rather when he was already in that land, which is substantiated also by some linguistic peculiarities, as **היירא**, **לאַלפא**, etc. (p. 87). Still the Babylonian derivation of the author is borne out by some characteristic features, and ingenious is the remark that the theme on the study of the Torah was incorporated in the She'elta to **לך לך** because this was the so-called "Reception-Sabbath" (**שבחתא דרינלא**) in Babylonia. Despite the assertion that the She'eltot originated in Palestine Ginzberg maintains that Aḥa made no use of the Palestinian Talmud and that all passages to this effect, which came into the She'eltot and which are mostly registered in the commentary **העמק שאלה** of N. Z. J. Berlin, prove nothing. Yet I believe that some passages, which I have reduced to seven (**ענינים**, I, 16), remain in their force and cannot be disproved. Thus the passage in She'elta **XX ויצא**: **ואי לנטורי דאנרא אשלימו** (with me No. 2) is after all influenced by p. B. k. 3, the one in **יתרו** LI (with me No. 7) by p. Ber. 6, 1 (comp. now also Aptowitz, *REJ.*, LXIII, 126), and so on. Furthermore, Abraham b. Isaac in *Eshkol*, I, 117 (quoted also by Ginzberg, p. 85) cites expressly the Palestinian Talmud as source for She'elta **XCVI** (with me No. 12): **אמרי דרב איקלע לבי שמואל שדר ליה שמואל**: **כסא דברכתא לדביתו ולא קיבלה זכו** and in **העמק שאלה** p. Ber. 2 (fol. 5b, l. 25) is rightly pointed out: **תני כלה אסורה לביתה כל**: **שבעה ואסור ליטול ממנה כוס של ברכה דברי ר"א זכו**. Nor is there any reason why the source for She'elta I on Sabbath garments (with Ginzberg, p. 80; with me, No. 1) should not be p. Peah 8, 8 but the late *Pesikta rabbeti*, since the latter probably drew upon the Palestinian Talmud.—New light is thrown upon the composition of the She'eltot through the Genizah fragments which are published in vol. II and which will be mentioned later. Among these are also found entirely new She'eltot, a perusal of which reveals the original ingredients in following order: (1) **שאלתא** (2) **ברם** (3) **ברוך** (4) **לענין** and (5) **דרשא** (sometimes, however, 5 stood before 4, see p. 91, n. 2) and also the fact that the **דרשא** simply contained extracts from the Babylonian Talmud, which were in

course of time dropped by the copyists, leading to the ultimate obliteration of the superscription itself. Ginzberg believes thus that the main purpose of Aḥa was to introduce and propagate the Babylonian Talmud in Palestine.

The first author among the Geonim was Jehudai, whose high value is illustrated through a very interesting Genizah fragment which is published in vol. II, 52-53 (comp. also the Responsum, ed. Harkavy, in *הנרן*, IV, 72 by a pupil of ראבה who in turn was Jehudai's pupil). Ginzberg finds the reason for this high esteem in the fact that with Jehudai begins a new era, an era of literary activity. An allusion to it is found in Hai's words cited by Judah b. Barzillai (*ספר הישמרות*, p. 126): דבר זה כתבוהו ראשונים אחד אחד : במגלת סתרים שכותב בה זכרונות שמועותיו לעצמו משום ראשוני ראשונים (quoted p. 74, comp. also *REJ.*, XLVII, 142). However, Jehudai seems to have been besides that a charming personality, which accounts for his great fame and high reputation. Ginzberg devotes to him and the *Halakot Gedolot* a minute study (p. 95-117), arriving at the following conclusion: The current Hal. Ged. or ה"נ I are Jehudai's creation, which, like all similar productions, was subject to subsequent changes and additions. Thus the pupils added many of their teacher's Responsa and many She'eltot passages. The work was recast and remodeled completely about 900 through Simon Kayyara, and a specimen of this revision is found in the Vatican manuscript (ה"נ II). Simon's work was called originally ר' שמעון שתקן נדולות הלכות, but the last three words were very soon forgotten. Ginzberg bases his argument chiefly on the fragment published by him in vol. II, 85, from which it is evident that already earlier Geonim credited Jehudai with the Hal. Ged., since we read here that the doubtful passage was added by Jacob b. Mordecai, a pupil of Jehudai ... ומפ' בהל' נד' דכל היכא דקנו לה שביתה בספניה מחולא שפיר דאמי למיתב בה בשבתא ... הכין חז' דהא מילתא דאשכחתון בהל' לא (סבירא לנא דמעיקרא משמא דמר יעקב בר מרדכי נע' איתמרא וכו'). But the title הלכות גדולות has sense only if other הלכות already existed (analogous to סדר עולם, which was afterwards called סדר עולם רבא in contrast to ס"ע זוטא; that Jehudai derived the title from the Talmud Shebuot 45a, as Ginzberg would have it, p. 107, n. 2, is

improbable); as a matter of fact nobody knows this title before Sherira (see Epstein, הנרן, III, 54). It is therefore probable that in the above fragment, in the first (but not the second) place, the word 'נר is an addition by the hand of a copyist, to whom also the formula נ"ע after the name Jacob is to be ascribed, since this formula came into use only in late Gaonic times.⁶ Besides, if Ginzberg's theory holds true, the Geonim who lived after 900, in citing the Hal. Ged., should have always indicated which of the two they meant, but this is not always the case (comp. e. g. השובות נ"ק, No. 152, end); to assume, however, that the words שתקן ר' שמעון have been dropped everywhere is improbable.—Ginzberg reviews also (p. 116) the הלכות ראו edited by Schlossberg and the הלכות קצובות edited by Horovitz, stating that the former simply represent an abbreviated Hebrew translation of parts of the Hal. Ged. It escaped him, however, that ed. Schlossberg came from an Aramaic original, nor did he observe that he himself published in vol. II, 382-393 a large fragment of this original, regarding which see my article in *REJ.*, LXVIII, 232-244 (see also *ZfjhB.*, XV, 18-6, and further below).

The following are minor remarks in connection with this chapter: p. 96, n. 2 That the Responsa edited by Harkavy in הנרן, IV, 71 ff., cannot come from Hilai I have shown already in *ZfjhB.*, VII, 130, using the same reasons as Ginzberg; and as to the ראבה mentioned there see Aptowitz, *REJ.*, LXII, 245 ff.—p. 111, n. 2. The influence of Jehudai's anti-Karaite tendencies makes itself felt also in the Responsa just mentioned, whose author was, as already stated, a disciple of Jehudai's pupil, comp. e. g. p. 72: ואין חזיר אלא מי שלמד תורה שבכתב וכפר בתורה שבעל פה. This is at the same time to my knowledge the only pre-Saadyanic anti-Karaite Gaonic Responsum (comp. *JQR.*, X, 239; but then this Responsum was not yet known).—p. 117, n. 1 אקלמון מתא was emended already long

⁶ It occurs written in full in a Worms inscription from the year 1091 (Zunz, *Zur Geschichte*, 404; comp. Harkavy, *Altjüdische Denkmäler aus d. Krim* p. 138), probably because it was yet little known. Furthermore, it occurs in Donnolo (ed. Castelli, p. 3) alongside with ל"ז, but here as well as in Saadya's and Hai's Responsa cited by Zunz (l. c., 341; still to be added is e. g. *Stud. u. Mitt.* IV, 92) we never have the certainty as to whether it was not an interpolation by the copyist or Hebrew translator of the Responsa. At any rate, the phrase is not known before Saadya.

ago into קירואן מהא (see my אנשי קירואן, p. 8), but now I should not consider this emendation as certain.

After a short chapter on "Codification not Favoured" (p. 117-119) follows one on the Siddur of Amram Gaon (p. 119-154), which is the most instructive and suggestive in the whole volume. With profuse erudition it is shown that the liturgical part of this Siddur which has come down to us constitutes only a minimum of its original form. The text was changed in every land to fit the ritual in vogue there. The halakic part of the Siddur was preserved in a relatively better state, but even this underwent all kinds of changes and interpolations; thus, apart from subsequent additions, Responsa of Amram were incorporated at different points. All this is corroborated by numerous examples, to quote which would lead us too far astray. I only want to call attention to the various digressions, above all to the Yozer-Ḳedushah (p. 130 ff.). Once more the need for a critical edition of this Siddur is shown, and material for such an edition is being furnished by Marx in his *Untersuchungen* (vol. I, 1908; on which see my review *ZfHb.*, XIII, 9).¹

As to details in this chapter the following may be added; p. 127 with regard to the insertion of the שירת הים in the morning prayer comp. also Büchler, *OLZ.*, XIV, 372.—p. 141, n. 2 The expression מתיבתא הקדושה seems to occur always only in connection with the Academy of Pumbedita; a Mahzor in manuscript at Hamburg (see Jellinek's קונטרס תר"ג, No. 4) contains: אוהרות ראש ישיבת דרובני דפומבדיתא.—p. 148 That the title ראש ישיבת נאון יעקב was peculiar only to the heads of the Academy at Sura and ראש ישיבה של גולה to those at Pumbedita remains without proof. Thus Aaron ibn Sarjado styles himself ראש ישיבת נאון יעקב (see *חמדה ננוה*, No. 37), while Hai, for instance, bears both titles (Harkavy, *Stud. u. Mitt.*, IV, 88, 90, 215; in accordance with this my conclusions in *REJ.*, LI, 55 are to be corrected; comp. also Marx *JQR.*, N. S., I, 71). That in Maimonides' days the title ראש ישיבת נאון יעקב was current in Palestine is due perhaps to the fact that the scholastic presidents in that land bore this title likewise in the eleventh century and even carried it with

¹ Equally useless is the latest edition of Amram's Siddur by Frumkin in two volumes (Jerusalem 1912), for its mere outward form is confusing.

them to Egypt later on, see *REJ.*, *l.c.*, 52. However, it was also current in Babylonia; thus it was borne by Maimonides' antagonist, Samuel b. Ali, see Benjamin of Tudela, ed. Asher, 60: הרב ר' שמואל בן עלי ראש ישיבת נאון יעקב (Pethahya, ed. Gruenhut, p. 8 has only ראש ישיבה).⁸—p. 149 Nathan ראש ישיבה, who is mentioned in the Siddur, is Nathan Alluf, see above.—p. 150, n. 2 Concerning אשכנז in the Gaonic literature see in addition *ZfhB.*, XV, 76, where the passage from תשובות נמ"י, 149 is to be added.

From Amram to Saadya there is no eminent halakic author among the Geonim, although some of the intervening Geonim are credited, justly or unjustly, with various productions (p. 154-162). Thus Nahshon still poses as the author of the book ראומה, although the title-page of this very rare work bears הנה" i. e. 5560 (1300) as the year of composition (comp. also *ZfhB.*, XV, 179). On the other hand he is rightly considered as the author of the *Iggul* which is named after him. It is only remarkable that Abraham Ibn Ezra who mentions it first (hence long before Eliezer b. Jacob Belin), although not by name, in the beginning of his שלש שאלות (ed. Steinschneider in *שני המאורות*), does not indicate the name of the author: השאלה הראשונה על דברי הלוחות אשר נבלו ראשונים, איש על שמו 'מתוקנים, שהם בניינים על רמ"ז שנים וכו'—A talmudic lexicon it attributed to Zemah b. Paltoi, but the only author who possessed it and quotes it is the relatively late Abraham Zacuto; Ginzberg believes therefore (p. 159) that perhaps some other Zemah was the author of the lexicon and Zacuto mistook him for his namesake the Gaon. But if so he would not have called him with the patronymic רב צמה בר פלטי. Moreover, the citations preserved from the lexicon make the impression of an old product, and a non-Gaon Zemah is not known from those early days. In favor of Gaonic descent is also the circumstance that המספר קומי ה found its place under the letter ה (see Kohut,

⁸ The title was then abbreviated through ignorance to גאון יעקב; thus; e. g., Benjamin, ed. Asher, 77, says of David al-Roy: ולמד... לפני ראש. הישיבה עלי גאון יעקב. That this is not to be emended into לפני ראש, as Kaufmann (*REJ.*, XVII, 304) would have it, it proved by the fact that we find similar titles also in the Diwan of Eleazar b. Jacob ha-Babli (*JQR.*, XI, 683).

p. XVII), an analogous procedure being found also in Saadya, who in his biblical lexicon recorded הביתן likewise under ה (see *Monatsschrift*, XLVI, 366).

As in all other branches of literature Saadya was epoch-making also in Halakah, being the first to compose halakic compendia (p. 162-165). However, Saadya, strictly speaking, belonged to the Geonim but not to the Gaonic school, since he was an outsider. That he had also written commentaries to the Talmud may now safely be assumed; on the other hand the glosses to Berakot, ed. Wertheimer, can hardly be attributed to him, the opening words ללפיומי נאון referring only to the first explanation (comp. also *REJ.*, LVIII, 150, and *Monatsschrift*, LII, 304; LV, 65, n. 4; more in another connection). Deserving attention is also Hai's commentary on Toharot, p. 38: כל שאין לו כתף ולא נטף ... זה בתוספה מסכת פיאה בפרק המקבל שדה ולקמן פירש רב סעדיה פירוש כתף ונטף, from which we may perhaps infer the existence of a commentary by Saadya on this tractate. On the contrary, by Saadya's commentaries (מצינו בפירושי ארוננו מר רב סעדיה) (לבינו סעדיה ז"ל) (נאון נ"ע, *Stud. u. Mitt.*, IV, 30) or commentary (אמר בפירושו, *Lyck*, No. 1) his commentaries to the Bible are meant. Some halakic writings of Saadya pursue an anti-Karaite tendency, thus probably his commentary on the thirteen rules of R. Ishmael (see *REJ.*, XLVII, 136). Of the *ספר הפקדון* Friedlaender thought not long ago that he had found an Arabic fragment, which he edited together with a Hebrew translation (*Lewy-Festschrift*, p. 62-75), but it belongs to a later work (see *Monatsschrift*, LV, 501; comp. also Eppenstein, *ib.*, p. 66 ff.).

The three great followers of Saadya: Sherira, Hai, and Samuel b. Hofni, all stood, according to Ginzberg, under the influence of their predecessor (p. 167-176), and the opinion is ventured that Sherira's Epistle is unthinkable without Saadya, which seems to me to be without foundation. As to Sherira's Talmud commentaries, which Isaac of Vienna cites as נמוקי רב שרירא, comp. in addition *ZfthB.*, XV, 170, and *REJ.*, LXIV, 210. Hai's commentary on Berakot is expressly quoted also in Nissim's *Mafteah* (ed. Goldenthal, p. 23a above, see further below), in the *ספר העתים*, p. 34, in the *חרושי מהר"ם* to Pesahim (see Marx, *ZfthB.*, XIII, 174), and in

כִּשְׁמַרְשֵׁי תוֹסֶפֶת שְׂאנִין 2a from Baba kamma 2afrom שטח מקובץ רבינו האי גאון ז"ל בברכות פרק הרואה נבי ארבעה צריכינ יהודות (comp. Gross, REJ., VII, 70 and see further below); his commentary on Shabbat likewise in Nissim's *Mafteah* to Shab. 12 (p. 28b: אדוננו האי ואלו דבריו) (וכן), and by Jonah Ibn Janah in his dictionary, s. v. מור (ed. Neubauer, p. 368, l. 15: וקאל רבינו האיי פי תפסירה לשבת) and s. v. עגנר, (וכדלך פסר פיה רבינו האיי פי תפסיר שבת: 420, 5) and in the *Yosif* (ראה"נ ז"ל ולא יקרא לאור הנר אמר רבה) (p. 222, ספר העתים ואפי' נבזה שתי קומות ומצאנו בפירושי אדונינו נטריה רחמנא דהלכה ברובה, comp. Resp. Lyck, No. 59); his commentary on Hagigah is probably mentioned in a book-list from the Genizah (comp. JQR., XIII, 329, No. 77) and is quoted in Joseph b. Eliezer's *Ahal Yosef*, sect. שמות, No. 11 = *Cepent Penen*, ed. Herzog, p. 193 רבינו האיי גאון ז"ל אישר אמר בפ' מסכת חגיגה שלו דעו כי דברי אנדה לא בשמועה הם גם בשאלות ותשובות שלו פירשו כמו זה comp. *Monatsschrift*, XXXIV, 187) and in Reḳanaṭi's *Hamevoṣ*, ed. Basel, 21b (וכן הבנתי דברים אלו מפי רבינו האיי גאון ז"ל בפירוש מסכת) which removes all doubt. Besides this Ibn Janah cites also, s. v. את, Hai's commentary to Beṣah (p. 77, 22: ווגדת פי פירושים לר' האיי ז"ל פ' קול אלמשנה בש"א יחפור בדקר ויכסה וזה הפ' שפירשנו to fol. 22: חדושי הרמב"ן) (אן אלקר מנקאר הוא הנכון בשמועה זו וכן פ' ר' האיי גאון ז"ל). The authenticity of the commentary on Toharot still remains an open question (comp. also my *Kiryat Qiryat*, p. 47). To the halakic monographs coming from Hai are also to be added הלכות שמיטה (see my *Zur jüd.-arab. Litteratur*, p. 52) or, what is more probable, ה' שחיטה (see Harkavy in *Ozre Israel*, IV, 96b). Hai enjoyed also a philosophical education, since he cites, for instance, in his *Hāwi* the *al-Fārabi* (see Harkavy, VII, 5), and perhaps he also composed a commentary on the Pentateuch (see *ib.*, p. 6). As halakist Hai must have towered above all his predecessors, including Saadya. More similarity with Saadya has his Suran successor, Samuel b. Ḥofni, a fragment of whose Arabic introduction is now accessible in print (ed. Cowley, in *Harkavy-Festschrift*, p. 162-163). It is surprising that Ginzberg ignored

Aaron ibn Sarjado completely, of whom indeed a talmudic commentary on Yebamot is quoted in vol. II, 67.

Of anonymous halakic writings which, according to Ginzberg, still belong to the Gaonic period he discusses the following successively: The סדר תנאים ואמוראים on which comp. now Marx in *Levy-Festschrift* (p. 302-309).—The ספר המקצעות and ספר חפין he considers likewise as offsprings of the Gaonic period and suggests that they had been composed at Kairwan. But how does it happen that these two works were only known in Germany, beginning with Eliezer b. Nathan (see my *אנשי קירואן*, p. 22. 27), while the other scholars of Kairwan, as, for instance, Nissim and Hananel, were known and in vogue also in Spain and Italy? It is to be remarked here that Hefes b. Yaşliāḥ did not correspond with Hai, since the Responsum in תמים דעים, No. 119 was addressed to Bahlūl at Kairwan (see *ib.*, p. 14; the reading רב בהלול instead of רבינו הלל is now confirmed through דרשת הרמב"ן לר"ה, ed. Schwarz, p. 23).—The בשר ע"נ נחלים is certainly post-Gaonic and composed in Europe, see hereon J. N. Epstein in *Jahrb. d. jüd.-lit. Ges.*, VIII, 447 and *ZfhB.*, XV, 174. Also the ספר מתיבות is undoubtedly post-Gaonic; as the place of its origin Marx suggests Palestine (*JQR.*, N. S. I, 86 ff.).—As to שמואל רבא see now Aptowitzer, *REJ.*, LVII, 252 and Marx, *ZfhB.*, XIII, 172.

At the very end of the volume (p. 182-205) Ginzberg discusses the Gaonic Responsa and their importance, criticising at the same time the procedure of Müller, who had grouped them according to the individual Geonim, since tradition in this respect is uncertain and the similarity of names of many Geonim makes it often impossible to indicate the authorship. The first attempt to collect the Responsa was made, according to Ginzberg, in Kairwan; we find, however, that not only the interrogators in their queries to Sherira and Hai (not only to Hai, as Ginzberg puts it p. 182, see הלכות פסוקות No. 73: ... ושאלתם בנר של פשתן ... רב שרירא גאון ... לפי שמצינו בתשובות שאלות ... ילמדנו אדונינו היאך מנהג ביישיבה וכו') give reference to Responsa collections, but even these Geonim themselves do it; see vol. II, 231, l. 8. 11: ויש תשובתה מפורשת בשאלות (one more proof that the Responsa referred to come from Hai). There was no fixed rule for the collection, and in the collections

instituted outside of the Academy also non-Gaonic Responsa were admitted. The latter, according to Ginzberg, only by those who were contemporaries of Hai, among whom Alfasi was the youngest, being twenty-five years of age at the death of Hai. However, Ginzberg himself offers a collection of Responsa in vol. II, 36, where Nathan b. Jehiel is quoted as already deceased, hence from the first half of the twelfth century. On the other hand, the Responsa in קהלת שלמה, No. 56b (p. 52-62. 83-89) and in הקדמ II, 87, No. 8, where Hai is quoted as already deceased, might have been composed by his younger contemporaries. Unjust is also the claim that only halakic Responsa have been preserved. We possess indeed from Hai a very elaborate theologico-philosophical Responsum upon the problem of the 'Ajal (אגל), which was adopted by Judah ibn Bal'am in his commentary on Isa. 38 and which is now accessible to us completely in the original (קהלת שלמה, No. 3, comp. in the same connection my remarks *Monatsschrift*, XLIV, 142). Moreover, the chronological problems found in the list of the Responsa *ib.*, p. 69 have hardly anything in common with similar problems by Ḥiwi Albalkhi, as Ginzberg maintains (p. 201, n. 2). They were rather modeled after similar questions in the talmudic-midrashic literature. Besides, among Ḥiwi's queries that have been preserved there is not even one of a chronological content, for the question of such a nature found at the end of Saadya's *Emunot*, section III, does not belong to him (see my חיי הבלבי, p. 19).⁹ Very useful are the lists on p. 187-199 of Gaonic quotations in the works of three schools: the Spanish (the writings of Judah b. Barzilai), the Italian (שבלי הלפט), and the French (מחזור ויטרי) with an index of the places where they occur. Here the great erudition of Ginzberg manifests itself, and such lists are desirable also for other works, particularly for those of the German school (above all אור זרוע).

The volume closes with observations concerning the importance of the Gaonic Responsa also as monuments of literature and history in which the spirit of their age is reflected (p. 202-203). Although

⁹ A relation could rather be found between Ḥiwi's questions and a series of contradictions between biblical verses, such as are enumerated, for instance, in *Sifre*, Numb., § 42 (ed. Friedmann, fol. 13a). On this comp. now Bacher, *REJ.*, LXIII, 153.

sometimes inviting contradiction this volume contains so many instructive elements and reveals so many new aspects that it will continue to be of lasting value.

II

These new aspects, to which I have referred as being abundant in the first volume, Ginzberg was able to obtain mostly from the treasures of the Genizah, which he edited in vol. II and which contain such a plethora of material that even to sketch it approximately would require more than the frame of even an elaborate review. Altogether 47 larger or smaller fragments are edited here, of which the first 38 (with the exception of No. VI. VII. X. XXXIV. XXXV) contain Gaonic Responsa (p. 1-345), while the last 9, which form an appendix (p. 347-401), contain very important pieces from Gaonic works, as She'eltot, Halakot Gedolot, etc. The first 18 fragments (p. 1-165), it is true, were published prior to this in *JQR.*, XVI-XX, but they were very scattered here (see the concordance table by Marx, *ZfjhB.*, XIII, 165), and hence it is fit and proper that Ginzberg has published them in vol. II once more.

All these fragments come, as mentioned above, from the Genizah: 35 of them (No. III, IV, VI, VII, XIII-XXXIV and XXXIX-XLVII) from the Taylor-Schechter Collection, 9 (No. VIII-XII and XXXV-XXXVIII) from the Bodleiana, 2 (No. I-II) from the British Museum, and one (No. V) from the private collection of D. W. Amram in Philadelphia. Ginzberg maintains that he has incorporated in his work all the Gaonic Responsa found in the above-named libraries. An exception are the Responsa written in Arabic (a Responsum by Hai not included, which he offers on p. 38 together with a Hebrew translation), which, however, is to be regretted very much. Besides, he also omitted the Responsa already known taking them up only when they offered variants. These variants are very instructive, and Ginzberg calls attention to them chiefly in his learned prefaces to each fragment. Since we have fragments before us it is natural that a great part of the Responsa contained in them should be imperfect and also that the authors should be indicated only in very rare cases, and here again Ginzberg has proved his great

erudition in the above-mentioned prefaces, succeeding often in his attempt to obtain the names of these authors. Besides, these prefaces contain a brief summary of the contents of each fragment and other remarks. The number of the Responsa offered here, both complete and fragmentary, amounts to more than 300, and of all the collections known heretofore only the one by Harkavy equals it in value, the difference being that ours, with the exception of very few fragments, has not preserved everywhere as Harkavy's the very interesting introductory and concluding formulae. Rare examples are the introductory formula in *Fragm. XVIII* (p. 214), the concluding formula in *Fragm. XXXVI* (p. 283), and especially the introductory formula in *Fragm. XXXVIII B* (p. 326), where not only the date (Adar 1169 Sel. = 858), the author (Amram b. Sheshna), and the person addressed (Meir b. Joseph) are recorded, but also the subject taught at the academy during that Kallah-month (אתיאן באדר דשנת קס"ט כד איתני הנזל עצים ובא לו כהן). Here is also found the introductory formula beginning with שאו שלום, which is known also from other sources and which resembles most closely the one found at the beginning of Amram's Siddur (see my ענינים שונים, I, 46 ff., where ours is now to be added).

Especially interesting are the following fragments: *Fr. VI* (p. 50-53) which comes from a Palestinian who was a pupil or younger contemporary of Jehudai and which sheds much light on the dominating influence of the Babylonians in Jerusalem. The following passage is especially to be emphasized (p. 52): עד עכשיו אין אומרים בארץ ישראל קדוש ושמע אלא בשבת או בימים טובים בלבד חזין מירושלים ובכל מדינה שיש בה בבלאין שעשו מריבה ומחלוקת עד שיקבלו עליהם לומר קדושה בכל יום אבל בשאר מדינות ועירות שבארץ ישראל שאין בהן בבלאין אין אומרים קדוש אלא בשבת וימים טובים בלבד (on the subject comp. Ginzberg's introductory remarks to this fragment). Here is also found the above-mentioned high estimation of Jehudai, which has an analogy in the Responsum, ed. Harkavy (הנרן, IV, 72).—*Fr. VII* (p. 56-71) contains indices to Gaonic Responsa, such as have been known heretofore only from Wertheimer's קהלת שלמה. Here, however, we learn to know quite new names and entirely new facts, thus, for instance, that Meshullam b. Kalonymus of Lucca was in correspondence with Sherira and Hai (p. 57; comp. my ענינים שונים, I, 64), that

Aaron ibn Sarjado had written talmudic commentaries (p. 67: מצינו בפירוש מרב אהרן, see above), that there was in Pumbedita a residence for the scholastic president of Sura (p. 71: שאלות לרבנו; האיי זל... תלמדה נלסו פי דאר ראם מתיבה סורא ותנו מעה אלך; the passage is not altogether clear, see *ZfhB.*, XV, 169), etc., etc.—Fr. X (p. 87-88) which contains no Responsum but an epistle. The writer was of Bagdad and contemporary of the sons of R. Natira and the sons of R. Aaron (Aaron ibn Sarjado?) and he wrote in the interest of the Academy (see p. 88, l. 15: כי אם אין צבא אין; מלך ובאפס תלמידים אין הור לחכמים סדר מאה ברכות mentioned by Amram at the beginning of his Siddur and sent by Natronai b. Hilai to Lucena (see the learned introductory remarks of the author).—Fr. XXVII (p. 239-241) which contains partly Responsa and partly Decisions, but in a quite peculiar form, as with the superscription קושיא (p. 239, l. 23, 31), פירוש (p. 240, l. 5, 6, 8; l. 11: לבעין אלנאונים does not mean "some of Geonim" but a certain Gaon), etc.—Fr. XXVIII (p. 246-249) which contains a kind of commentary on Baba ḥamma 51a-82a, but in the form of answers to questions (comp. e. g. p. 247, l. 29: וששאלתם; p. 249, l. 23: לא כמו ששאלתם). Such Responsa-like talmudic commentaries have their analogy in other Gaonic Responsa collections, and to those mentioned by Ginzberg, p. 242 are still to be added above all the word explanations to Abodah Zarah which Hai sent in the year 993 to Elḥanan b. Shemariah and which are known even as שרר אלפאט עבודה זרה (Harkavy, *Stud. u. Mitt.*, IV, 22-24; comp. *ib.*, p. 350). Such commentaries are of inestimable value for the exegesis and textual criticism of the Talmud.—Fr. XXXIV (p. 275-276) which consists of two leaves, of which 1 *recto* is blank, while 1 *verso* contains only a few lines beginning with

the words: בשמך רחמי פירוש פרק הרוואה לר' נסים זקל and then giving an explanation to ארבעה צריכין להורות (Berakot 54b), the same as quoted by the 'Aruk, s. v. ארבע, from a Responsum by Hai and by the שטה מקובצת, as seen above, from the חוספות שאנץ as coming from Hai's commentary on Berakot. Between leaf 1 and 2 there is a lacuna, and leaf 2 contains the interpretation of a passage in Berakot 59b-60a. Ginzberg believes that here we

have a fragment of Nissim's *ספר המפתח* which was omitted in the edition (where there is altogether no explanation to Berakot 54 nor to 59-62). It is, however, difficult to believe that Nissim, who cites Hai otherwise (comp. e. g. ed. Goldenthal, fol. 13a and 15a) and even quotes expressly his commentary on Berakot (fol. 23a above: *וארוננו הא"י גאון ז"ל כתב בפירושו דברכות הכי*) should not name here the originator. Besides, even if we should admit with Ginzberg that the Hebrew translator had omitted the Hebrew Gaonic Responsa which are quoted in the *Mafteah*, why did he omit also the explanation to 59b-60a? The latter is also much more elaborate than the others in the *Mafteah*, containing the phrase *והכין חזינא* (p. 275, l. 10) which is current only among the Geonim. It is perhaps not venturesome to assume that the copyist had erred and that we have before us a fragment of Hai's commentary on Berakot, which, as may be seen from the quotations in Solomon b. Adret's *novellae* to this tractate, was quite elaborate.

Of especial interest are also: Fragm. XXXV (p. 278-279) which contains a rhymed epistle by Hai to Judah b. Joseph of Kairwan and concerning which see *ZfhhB.*, XIV, 23. 82. 84. 115, and the Fragm. XXXVIII (p. 318-345) already mentioned which is the most comprehensive. It consists of two parts: A. MS. Bodl. 2760, fol. 11-12, and 2826, fol. 62-63, contains fifty explanations to passages in Shabbat 3a-57a (with a lacuna to 8b-17b) from an older Gaon (perhaps Natronai). The explanations are brief, mostly of a linguistic character, and, as Ginzberg points out, were used assiduously by the 'Aruk. Emphasis must especially be given to the explanations to *בר פחתי* (p. 318, l. 9), *מגלת סתרים* (p. 319, l. 7, on which comp. Ginzberg's remark p. 295), *עססיות* (p. 320, l. 4), *חותלות* (*ib.*, l. 18; comp. *REJ.*, LXI, 206 ff.), *צלוליכא* (p. 321, l. 14), *תלא אילן ביריה* (p. 322, l. 9: *תלא אילן*, *ib.*, l. 18), *תרמדאי*, *קטנה היא ... ושמענו שמצוי באיספמא*; this the Gaon must have heard from Eleazar Alluf, which would be a further proof for Natronai's authorship, see my *ענינים שונים*, I, 52), etc. They all have in addition some bearing on the history of civilization.—B. MS. Bodl. 2826, fol. 64-73, contains 51 Responsa by Amram mostly on *ציצית*, which, as Ginzberg points out, were present before the *Ittur* as a collection and which exhibit many interesting points. Thus

Resp. II (p. 328, l. 9.—p. 330, l. 14) on Tosefta, Sifra, and Šifre, which was subsequently incorporated in part in the **סדר תנאים** (see Ginzberg, p. 305-308); Resp. XXX (p. 340, l. 8-22) on **מצה שלכותי** which goes perhaps to prove the existence of Samaritans in Babylonia during the Gaonic time, this being substantiated also in other places;¹⁰ Resp. XXXIV (p. 341, l. 18—p. 342, l. 3) where mention is made of the **רבנן דסיומא** whom Ginzberg (p. 315) identifies with the Saboraim,¹¹ etc.

However, also in the other fragments there are here and there very interesting Responsa, of which I wish to mention a few: Fr. II Resp. XV (p. 29, l. 26—p. 31, l. 25), the well-known Responsum on **סירכא דליבא** preserved elsewhere which exhibits here some better readings, as p. 30, l. 17: **ואנשי מקצת אנרלם ופרם** (in ח"ג, 15 'שבאפס ומקצת אנר') and the addition p. 32, l. 21: **ודלא כתב לכם וכו'**, on which see above.—*ib.* Resp. XX (p. 32, l. 28—p. 33, l. 5) on the prohibition of **בשר בחלב** quoted in *Pardes*, 21b (comp. Epstein in *הנרן*, VI, 69 and Aptowitz, *REJ.*, LVII, 249).—*ib.*, Resp. XXIII (p. 33, l. 24—p. 34, l. 8) where mention is made of a query by the people of Bašra to Naḥshon (a query from Bašra to Hai p. 71; comp. also p. 212, l. 16; Harkavy, *Stud. u. Mitt.* IV, 104. 216 and above).—*ib.*, Resp. XXVI (p. 35, l. 1—p. 36, l. 25) where Nathan b. Jehiel is mentioned (see above and Aptowitz, *JQR.*, XVIII, 135).—*ib.*, Resp. XLI (p. 40, l. 12—p. 42, l. 21, uncompleted), an explanation of **ערונה** (*Shabbat* 84b), which, to judge by the roughness of the language seems to be a translation from the Arabic. The preliminary seven premises **ז מילין מבוססות לה ... חוק**

¹⁰ It is strange that Büchler (*REJ.*, XLIII, 57 ff.) does not cite the Gaonic view concerning **מצת כותי**, which he could have adduced from the Responsum by Jehudai in **שערי תשובה**, No. 272. He overlooked likewise the most important passage in *Hal. Ged.* 167a (= *Hal. Pesukot*, ed. Schlossberg, p. 83), where it is expressly stated: **כותי שקדש חוששין לקדושין היה**: מעשה ואצרכיה גיטא מר רב יהודאי ומר רב שמואל.

¹¹ There were, however, also in Gaonic times **רבנן דסיומא** who are quoted in a Responsum by Zadok (**שערי צדק**, fol. 21a, No. 15) and who were properly the **רבנן דדרא דסיומא**; see my **ענינים שונים**, I, 47, and Eppenstein, *Monatsschrift*, LII, 340, whose deductions are not altogether irrefutable.

... ראשון) are reminiscent of Samuel b. Hofni's manner.—Fr. VIII Resp. VI (p. 83, l. 6-11) where Nathan b. Shahriar, the descendant of Bostanai and the Persian princess, is mentioned.—Fr. XII Resp. III (p. 98, l. 15-19) concerning errors to be corrected in a bill of divorce (comp. p. 94).—Fr. XVI Resp. III (p. 141, l. 1—p. 142, l. 9) on an interesting theological problem to which Ginzberg draws a parallel from St. Barnabas (p. 137).—Fr. XIX Resp. II (p. 169, l. 7—p. 173, l. 4) on the orthography of the bill of divorce (in addition to Epstein's treatise in הכרם cited p. 424 comp. also ההוקר, I, 188).—Fr. XXXI Resp. VIII (p. 263, l. 9-13) on the Pentateuch lesson and the Haftarah during the public fasts, which quite deviate from those known heretofore (on which see Ginzberg, p. 260), etc., etc.

Many Responsa contain interesting contributions to the history of civilization in those days and to the customs then prevailing. Of historical data the following may be mentioned: The burning of Haman on Purim (p. 3, on which comp. Friedlaender *JQR.*, N. S., I, 257); the custom to take checks from the bath-keeper or baker in token of having prepaid the price of admission or purchase, explaining the talmudic אסימון (*ib.*, comp. also p. 57, No. 3); concerning a school preceptor who exceeds in chastising small children and the opinion of the Gaon on it (p. 119); the procedure of a bee-keeper (p. 123); Jews had frequently associated with non-Jews in business and thus arose various legal questions concerning the Sabbath and similar things (p. 194, 196; comp. also p. 81 and 263), etc., etc. As to customs having a bearing on the history of religion, the following, though known heretofore, may be dwelt upon: The usage to give a נט קרה resp. נט מקושר had already ceased then (p. 101); for the erection of עירובי הצרות a little flour was gathered from each house on the last day of Passover (p. 121); in taking an oath no Torah scroll was used any longer (p. 154; comp. also Ginzberg's reference p. 146 and Büchler, *REJ.*, XLIII, 52, where much is still to be supplemented); there were especially pious people who also in Babylonia practiced the laws of תרומה and tithes and observed the tenets of purity (p. 221; comp. on this Ginzberg p. 217-218 and the passage from Meiri's אבות, p. 63 cited by Aptowitzer, *Monatsschrift*, LV, 379. The laws of purity were also observed by the Karaites,

but only after Anan. see *REJ.*, XLV, 197, and the Rabbanites endeavored to emphasize that these laws are no more obligatory after the destruction of the temple), etc.

The fragments published here are often, like those in Harkavy's edition, remnants of whole collections and numbered at the margin, allowing us to make some instructive observations. Thus the complete Responsa in Fr. II (i. e. 3-8) exhibit the numeration 17-22, which must be original, since the passages from Yoma explained in them do not follow the order of the Talmud (see p. 7). Furthermore, the Resp. XIX corresponds to ed. Harkavy, No. 30 and Resp. XXII to ed. Hark., No. 31, so that the sources of this edition cannot claim to be the prototypes. It further escaped Ginzberg's attention that numbers 20-22 correspond to the Responsa No. 46-48 in קהלת שלמה, and hence it also follows that in Resp. XXI we are to add the following: וכן מפרש [בבראשית רבה: חמה יש לו נישתוק וכו' גלגל]. What is meant therefore is Gen. r., VI, 6 (concerning the various readings of the word נישתוק see Theodor, *ad loc.*, p. 46) and not the Pesikta, ed. Buber, p. 186.—In the indices to Fr. VII (see above) two Responsa are indicated on p. 57 as 3-4, which follow one another in the same order also p. 4 of our volume. On p. 62 correspond again numbers 40-42 to ed. Harkavy, No. 248-250, 48-50 = ed. H., 251-253, 53-56 = ed. H., 254-257, and 58 = ed. H., 258. From this it results once more that the manuscript which served ed. Harkavy as original was copied from another which still contained the numbers 43-47, 51-52, and 57 of our index and which the copyist omitted. The same result is further obtained from Fr. XIX which has preserved at the margin the numeration 55-57 and where the second Resp. = ed. Hark., No. 436 and the fourth = ed. H., 437, hence our third Responsum was missing in the manuscript underlying ed. Hark.—The most comprehensive collection was the one to which Fr. XVII belonged, this fragment having preserved at the margin the numbers 498-505, 568-577, and 585-593 (the intervening numbers form lacunae in our fragment), whereby the collector recorded also on the margin the corresponding Halakot in Maimonides' Code, but in an ignorant or superficial way (see p. 143). The Responsa are abbreviated, almost in the manner of the so-called קצרות ed. Mantua (although without the words שאלה and תשובה), as, for

instance, a comparison of No. 504 with חמדה ננוה, No. 55 will show. The letter כ at the upper end of fol. 1 *recto* designates perhaps the twentieth layer.—A similar numeration with citations from the Halakot of Maimonides is also found in Fr. XXXVII (No. 441-443) which descends perhaps from the same codex as Fr. XVII. On the other hand, Fr. XXX has besides the numeration also the subject of discussion, but not in accordance with the Halakot of Maimonides (סֵט נכסי מלוג) (סֵט עדות קרובים).—In Fr. XXXVI the numeration as well as the number of lines prove that, despite the same manuscript (see p. 280), different, unconnected pieces were here put together. Leaves 1 and 4 undoubtedly belong together, whereby the Responsum on fol. 1 *recto* bearing the number 26 was sent to Judah b. Joseph Alluf at Kairwan, the Resp. on leaf 4, however, as a comparison with ed. Hark., p. 15 shows, to Tlemcen (in accordance with this תשי"נ p. 288, l. 20 is to be emended into אשי"נ, i. e. 1313 Sel. = 1002). Also the ברקה mentioned here is no doubt Barka in northern Africa. Leaf 2 contains the end of a Responsum which was dispatched to Kabes, and the beginning of another which is designated as No. 2. Leaf 3 finally contains the end of a Responsum and the beginning of another which is termed No. 3 (hence cannot be the continuation of the preceding one) and was likewise, as תשובות נמ"ז, 131-134 shows, sent to Tlemcen. All these Responsa were thus sent to Northern Africa and probably all of them come from Hai, but despite all this they are derived from different collections, manifesting once more the strong tie that connected these lands with the Geonim and the intensive activity in forming collections of the Gaonic Responsa. Finally also Fragments III. XV. XVI and XXIX are numbered. But even where the fragments are not numbered we can still arrive at some conclusions from the mere succession of the Responsa. Thus follow, for instance, in Fr. V the second and third Resp. one upon another, exactly as in the fragment published by Harkavy in הפלס, II, 71-77, hence both fragments are derived from the same original. The ninth and tenth Resp. in Fr. XII which deal with quite different matters (ritual and liturgy) correspond to No. 98 and 99 (not 88 and 89) in ed. Mantua, only that they are not Aramaic here as in our fragment, but Hebrew. The manuscript underlying our fragment

was therefore perhaps the source for the collector of the original of ed. Mantua, etc. All these are minutiae which tend to illumine more and more the neglected but important theme of the origin of the various Responsa collections.

A great, perhaps the greatest part, of the Responsa edited in this volume contains explanations to various passages in the Talmud, as may be seen from the index of these passages (p. 409-410) arranged by Ginzberg in a creditable way. However, not only the hermeneutics and the exegesis of the Talmud reaps a rich harvest from this newest Responsa collection, but also its textual criticism, for here we find preserved a whole series of remarkable readings. See, for instance, Ginzberg's remarks on p. 8; p. 91, n. 2; p. 93; p. 129, No. 1; p. 166 and 167, No. 3; p. 242, etc.

The appendix contains the following pieces: Fr. XXXIX-XLIII offer different portions from the She'eltot which are of great importance for the text and composition of this work (see above). Thus Fr. XL, for instance, contains the Derasha to She'elta 43, which is missing in the editions, and besides that a great part of She'elta 44 in an essentially different form than in the editions. Furthermore we find here at the margin of fol. 7 *recto* the following very important note:

¹² H. Tschernowitz (pseud. רב צעיר) who has writtten recently on the She'eltot (השלח, XXV, 1911, p. 538) refuses to admit that we possess this work in an incomplete form, for Ginzberg's publication remained unknown to him. The question already mentioned, why in the She'eltot some, even very important commands, are overlooked, while others, even less important, are discussed several times, is answered by Tsch. to the effect that Aḥa pursued anti-Karaite (properly anti-antitalmudic, since Aḥa had written before the appearance of 'Anan) tendencies, and hence laid especial emphasis on such commands as were not acknowledged by the opponents of tradition. But this seems to me to be without foundation, for in the first place many such commands are missing (as e. g. נטילת לולב, etc.), on the other hand even such commands and prohibitions wherein the Karaites concur with the Talmud are treated twice, thus the prohibition to bring cases into non-Jewish courts (comp. Benjamin Nahawendi's מושאת בנימין, 10 below; Tsch. calls here for his support the late Aaron b. Elijah). Besides, we hear nothing of anti-traditional sects in Palestine at the time of Aḥa. The presence of Karaites in this land is attested at first by Ben Meir epistles at the beginning of the tenth century.

תרתין הוא אלששת (אלשאלותות r.) יקול שלתנן (שאלתא r.) תם יקול
 ברים תם יקול בריך תם יק' ולענין תם יק' דרשא; thus the Derasha is
 here altogether at the end and not before the end (see
 above). Fr. XLI contains the beginning of a quite unknown
 She'elta (it is to be regretted that Ginzberg did not
 print also the halakic and haggadic extracts contained in
 this fragment, see p. 350) and Fr. XLIII has likewise
 an unknown She'elta for Yom Kippur,¹² which offers many inter-
 esting details, thus a citation from Midrash Tehillim which is the
 oldest known to us (p. 373, l. 8; the word שמים, however, belongs to
 מספרים, and no conclusion can be drawn therefrom for the divi-
 sion of this Midrash into Sedarim, comp. also Aptowitzer, *Monats-
 schrift*, LV, 634), then the comparison of the repentant to the sinful
 royal son who returns home (p. 377, l. 4) which reminds us of
 the well-known parable in the Gospel, etc. Fr. XLIV contains,
 according to Ginzberg, a piece of the Hal. Ged. in different, char-
 acteristic arrangement. As a matter of fact, however, we have
 here before us, as already mentioned above, a fragment of the
 Aramaic original of the Halakot ed. Schlossberg, fol. 1 correspond-
 ing to ed. p. 85, l. 3 from below—p. 86, l. 21; fol. 2-5 = ed. p.
 87, l. 15—p. 90, l. 9, and fol. 6 = ed. p. 90, l. 2 from bel.—p. 91,
 l. 4 (between fol. 1-2 and 5-6 there are lacunae). I have treated of
 it specifically in *REJ.*, LXIII, 232 ff. and here I only wish to single
 out the following: תרתין דינ הגדול בבית דינ והיידאנא בבית דינ
 הא גמרא היא והיידאנא בבית דינ הגדול בבית דינ (p. 386, l. 7) which ed. Schlossb. p. 88, l. 10 cor-
 responds to: וזה תלמוד [הוא אבל] היום בבית דינ הגדול בשתי ישיבות וכו'
 while at the corresponding passage in Hal. Ged. the words דינ
 בבית דינ are missing (see Ginzberg's note *ad loc.*).—Fr. XLVI contains
 a piece from הלכות קצובות ed. Horowitz with a few variants and
 Fr. XLVII a leaf which Ginzberg considers to be a piece from a
 quite unknown version of the Hal. Ged. and in which he sees Pal-
 estinian influences (p. 352). The fragment, however, is too small
 to enable us to render judgment upon it.

The volume closes with an index of the material, which is arranged according to the order of the Shulḥan 'Aruk and where at the end, as already noted, the Talmud passages commented on are recorded (p. 404-410); a general index with Hebrew catch-

words in alphabetic order (p. 411-418); and additions and corrections (p. 419-425). And now finally I wish to add a few single remarks to the whole volume:

P. 16. From the words of our Responsum it cannot be concluded that there existed a commentary by Saadya (not translation) to Chronicles, which is not attested anywhere else, see *JQR.*, X, 248 (so read in Steinschneider, *Arab. Lit. d. Juden*, p. 67, n. 31, instead of 246). Saadya could have given his opinion in a Responsum or in his commentary on Kelim 17, 10, which was perhaps in existence, or somewhere else.—p. 45. As regards Saadya's Responsum on the eating of dead locusts and dead fishes comp. also *ZfhB.*, IV, 74. Comp. in addition the passage in Schechter's *Documents*, I, 12: **והרנים לא יאכלו כי** ... **אם נקרעו חיים ונשפך דמם וכל החגבים במיניהם יבאו באש או במים עד הם חיים וכו'** (see *ib.*, p. LI).—p. 49. The insertion of the Shema' in the Kēdusha to Musaf is also referred to the persecutions on the part of the Persian king Yezdgerd (**שבלי הלפט**, § 48, comp. also *Eshkol*, ed. Albeck, I, p. 39).—p. 78. The custom to enter in the Ketubba also the woman's garments, furniture, etc. in addition to her dowry, is very old, being found already in the Assuan Papyrus G (ed. Cowley), see *ZfhB.*, XI, 71 below. From the Gaonic time I have published such a Ketubba (*REJ.*, XLVIII, 173) from Fostāt dated 1029 (not 1030).—p. 104 below. Here not only the classification of the people according to their social position and vocation is highly interesting from a cultural and historical point of view, but also the designation **אנשים אמצעיים** (p. 105 above) for people of the middle class (inst. of **ביונים**).—p. 108. On the custom of pronouncing a blessing over the washing of the hands before the grace after meals on the Passover-night see now Aptowitzer, *REJ.*, LXIII, 125 and the passages recorded there.—p. 110. At the time of Natronai the custom to wear a Tallit was perhaps indeed not universally spread. Of interest is the following Responsum by this Gaon (תשובות גאונים, No. 38: **שערי תשובה**, 88): **והכי אמר רב נטרונאי גאון וששאלתם: כשיקרא אדם ק"ש צריך לאחוז ארבע ציציותיו או לא דבר זה לא דרך חכמים ותלמידים הוא זה דרך יתירות (יהירות r.) הוא וכו'** (comp. also **שני ספרים חדשים מארץ הנר** p. 10).—p. 180. Through the

Gaonic reading in 'Erubin 53a לִשְׁכַּנְתִּיהָ and שְׁלוּכְתִּי instead of לְחִבְרָתָהּ and שְׁלוּכְתִּי, which is also the right one, the hypothesis of B. Lewin (תחבמוני, I, 66) who wanted to explain through it the enigmatic הַשִּׁלְכָן in the Mesha Stone, is done away with¹³ (comp. also Chajes, *Riv. Isr.*, VII, 254).—p. 185, l. 24. This Responsum (and similarly the following one) is found more elaborately and with variants in מַעֲשֵׂה הַנְּאוֹנִים, ed. Mekize Nirdamim, p. 19 (comp. also *ib.*, p. X, n. 14), where among others טִיטוּבָה stands for שׁוּבָק.—p. 188. On the puzzling decision of the Gaon who permits to thresh with an ox and a donkey, the ploughing only being forbidden, comp. Aptowitzer, *Monatsschrift*, LV, 639, according to whom this has reference only to the case when the animals are not fastened together. But then the Responsum would have mentioned something about it.—p. 211. That Moses Gaon used Persian words is not at all surprising, for, in the first place, they are derived from the Talmud, and, secondly, even the last Gaon Hai still understood Middle Persian, i. e. Pehlevi, having used *Kalila we-Dimna* which was composed in this tongue, see *ibn Baḥ'am* on Deut. 28, 21 (in Fuchs' *Studien über ibn Baḥ'am*, I, p. XXI; comp. Steinschneider in *החלוץ*, II, 62 and Harkavy, *Stud. u. Mitt.*, IV, 371). On the other hand, we have Hai's own testimony that in his days Jews as well as non-Jews in Babylonia spoke Aramaic (see the interesting Responsum, ed. Harkavy, in *הקדם*, II, 82; comp. on this Chajes, *Riv. Isr.*, VI, 195). In our Responsa Persian words occur also outside of this case (see General Index, *s. v.* לִשׁוֹן פֶּרְסִי).—p. 256, l. 15. Here is to be noted the very rare name יַעֲלִיָּה which occurs otherwise only in Ḥefeṣ b. Yazliḥ and in Solomon b. Yazliḥ in MS. Bodl. 2876³, see *Riv. Isr.*, VI, 241.—p. 305. Not only in biblical citations the words were abbreviated in such a manner, but also in whole Bible texts, see *JQR.*, VII, 362.—p. 315. That אִשְׁיִן is the prolongation of אִשִּׁי I can hardly believe. Krauss (*Lehnwörter*, II, 135) considers it on a par with the Greek Ἀσία or Ἀσίαν; comp. also Bacher, *Monatsschrift*, XLVI, 83.

¹³ In the same number (p. 41) Lewin publishes from a manuscript in Parma a brief Responsum by Sherira unknown heretofore. This as well as those published by Harkavy (*הקדם*, II, 82-87) are to my knowledge the only Gaonic Responsa that have appeared since Ginzberg's publication.

Postscript. Besides the Responsa mentioned in note 13 there has appeared also, since the completion of this review, a small, tolerably interesting collection under the title *Gáoni Responsumok...* kiadta, fordította és magyarázatokkal ellátta Kis Ch. Henrik, Budapest 1912, 35 pp. 8°. These Responsa were derived from two Genizah fragments which had been in the possession of David Kaufmann and on his demise passed into the hands of the Hungarian Academy. The editor, H. Kis, published them as a dissertation for the doctorate of the Budapest University, hence their elaboration is in the Hungarian tongue. The first fragment which consists of two disconnected leaves contains two incomplete Responsa in the domain of civil law, composed in the Arabic language. More interesting is the second fragment which contains sixteen Responsa. The first eight, which are composed in Hebrew, are designated on the margin as No. 94-101; they all come from Hai and they were all sent to one place, probably to Fostat.¹⁴ This follows from the concluding formula of the last Responsum: יהי רצון מלפניו לזכות אותנו ואתכם ביישועתו. וכתב מנשה הכהן ביר' יעקב נ"ע מן כ"ט רבינו הא"י פי דרגה

They have therefore been copied from Hai's autograph, and indeed through Menasseh ha-Kohen ben Jacob, whose name we find signed under documents of Fostat from the years 1125-35 (MS. Bodl. 2876⁴. 2878⁷; MS. St. Petersburg. B 19a, Cat. Harkavy-Strack, p. 273)—a fact unknown to Kis. Two of these Responsa have been known for a long time, namely Resp. 97 = קהלת שלמה No. 23 (comp. *Monatsschrift*, XLIV, 143) and Resp. 101 = ed. Harkavy 36 (where the concluding formula is fuller: ... יהי רצון לראותם ביישועתו ובבנין ביתו ובקיבון גליותיו ישע רב thereby that this Responsum does not come from Sherira, and accordingly the statement in my ענינים שונים, I, 28 above is to be corrected. Interesting is also No. 98, where the word תתנית (Baba batra 146a) is explained and where we find among other matters: ומי שאיננו מריח כלום נקרא תתן והמכה דואת נקראת תתרות כאשר מפורש בהלכות יצירה אשר תחלתה בשלשים ושתים נתיבות פליאות חכמה

¹⁴ Accordingly also these Responsa are to be added to those which were sent by the Geonim to Egypt and which I have registered in *REJ.*, XLVIII, 160; J.L. 38.

This word, however, does not occur in our recensions of the Sefer Yeširah.—Immediately after these Responsa follow eight more, which are designated on the margin as No. 1-8 and bear the superscription: מן נמלה מסאיל לרבינו סעריה גאון ז"ל, hence a collection of Saadyanic Responsa. They are all—with the exception of No. 5—in Arabic and otherwise unknown. The following deserve mention: No. 1 which treats of מכת מרדות. The number of strokes, according to Saadya, is thirteen, and these are bestowed on those who transgress a traditional precept, such as hair-cutting on semi-holidays or wearing shoes during the days of mourn-

ing, etc. מכת מרדות מקדארהא תלתה עשר והי תלת אלמלקות ... ונחן) נסתעמלהא פי אלעקובה מן כאלף אלסנה מתלה מן יאכד שערה פי חולו של מועד או ינתעל בנעל פי איאם אלאבל או מא אשבה דלך חולו של מועד או ינתעל בנעל ; מא הו סנה פכאלפהא פנערבה יג אלך comp. on the other hand Hai's Responsum in שיערי תשובה No. 15 and in addition *Jahrbuch d. jüd.-liter. Gesellschaft*, VIII, 450 and *ZfhB.*, XV, 175). No. 4 deals with the *ajal* problem (see above), which Saadya discusses also in his *Emunot*, ch. VI (ed. Slucki, 102), yet the end seems to have been omitted by the copyist. The Responsum makes reference to the talmudic account of Eleazar b. Simon (Baba meši'a 85a): פי פרק השוכר את הפועלים פי בבא מציעא פי : אול אלפרק כולהי שני יסורי דר' אלעזר ברבי שמעון לא שכיב אינש בלא זימניה והרא דליל עלי אן יתופי אלאנסאן בגיר אנלה פינב אן יקרן בקולהם פי אלאגל לאנהם לא ירו אלמות אלא כאגל לקולהם. In No. 6 Saadya proves that ושאלה (Exod. 3, 22) must be construed in the sense of "asking for a present," with reference to I Sam. 1, 28; Mishnah Shabbat 23, 1, Baba batra 9, 1 and Berakot 29a (שאלה בברכת השנים). This interpretation, as Kis points out, agrees with his translation in the Pentateuch *ad loc.* בל תסתויב (אלמראה), and is quoted by Baḥya b. Asher *ad loc.* in the name of Ḥananel. This is therefore an additional proof that ḥananel in his exposition of the Pentateuch was mostly dependent on Saadya (comp. *Monatsschrift*, XLI, 209, n. 1).

SCHECHTER'S "JEWISH SECTARIES"

Documents of Jewish Sectaries. Volume I. Fragments of a Zadokite work. Edited from Hebrew manuscripts in the Cairo Genizah Collection, Cambridge, and provided with an English translation, introduction and notes. By S. SCHECHTER, M.A., Litt.D. (Cantab.), President of the Jewish Theological Seminary in New York. Cambridge: UNIVERSITY PRESS, 1910. pp. lxiv + 20.

Numerous gaps of early Jewish history for which we had no sources and hardly expected ever to unearth any, have since 1898 been partly filled by Professor Schechter's striking finds in the Cairo Genizah saved and secured by him for the Cambridge University Library. In 1910 he startled the literary world by his publication of a large and a small fragment of a book written by a Zadokite of the first century. The mere fact that nothing whatever was known of Sadducee literature, gave the publication the character of a unique discovery promising to elucidate a still obscure period of Jewish history in which Jewish historians and New Testament scholars are equally interested. Professor Schechter has made the sometimes very difficult fragments accessible to all readers by a full translation accompanied by learned notes full of his wide knowledge of rabbinic literature and by many valuable emendations. An introduction of twenty-nine quarto pages deals with the two manuscripts of the eleventh and twelfth century respectively, one of 16 and the other of 2 pages, the latter partly parallel, partly additional; it further discusses the script of the documents, their contents and their style, their sectarian, Zadokite character, and the apocalyptic sources of the book; it analyses the history of the sect that was founded by emigrants from Jerusalem in the second century B. C. in Damascus and the constitution of the sect and its peculiar laws. They lead Professor

Schechter to a thorough examination of the sects which separated from Judaism and of the apocalyptic literature concerned, and bring him to the conclusion that the book was written by a Dosithean. In spite of the full commentary and introduction there are, however, as Professor Schechter admits, still many riddles in the fragments to be solved, and he invites students to devote themselves to the difficult details of the unique book.

In availing myself of this invitation, I venture to offer in this rather extensive review my own difficulties in Professor Schechter's view of the Zadokite or Dosithean origin and the early date of the book. By a detailed examination especially of the halakic parts of the fragment which have so far not been studied with the same zeal as the narrative, I shall endeavor to show that neither Kirkisani's references to some details of Šadduk's lost book, nor the similar laws and customs in the Dosithean sect which constitute the foundation of Professor Schechter's theory, are sufficiently strong to bear the weight of the inferences put upon them. From some of the characteristic Halakahs of the fragment and the peculiarities of the style I shall try, though with great caution, to prove that our book probably originated in the times of the book of Šadduk and Anan, in the eighth century. In continually relying on Professor Schechter's interpretation and his parallels to which some Talmudic illustrations will be added, I shall attempt to show that also the narrative is merely the picture of a sect which lived in the district of Damascus in the seventh or eighth century, a picture artificially drawn to reflect assumed conditions shortly before the destruction of the second Temple. As to the sources of the fragment, while in agreement with Professor Schechter that our author used the Book of Jubilees and the Testaments of the Twelve Patriarchs, I shall adduce evidence that he used them in the form in which they were known in the times of the Babylonian Gaons in the ninth and tenth centuries. In venturing to criticise Professor Schechter's views of the fragment, I follow the principle תורה היא וללמוד אני צריך, and I confidently hope that the discoverer and first interpreter of the unique book will read my remarks and suggestions with the same mind and in the same sense, as I am offering them.

Professor Schechter's cardinal proof for the Zadokite origin of the fragment is Kirkisani's reference to a book of Zadok which reads: "Zadok was the first who exposed the Rabbanites and contradicted them publicly. He revealed a part of the truth and composed books in which he frequently denounced the Rabbanites and criticised them. But he adduced no proof for anything he said, merely saying it by way of statement, except in one thing, namely, in his prohibition against marrying the daughter of the brother and the daughter of the sister. For he adduced as proof their being analogous to the paternal and maternal aunt."¹ Now, argues Schechter,² this description of the Zadok book well fits our Text which, in its Haggadah, is largely polemical, whilst its Halakah affords little else than mere statements; a real argument and refutation of the opposite opinion we have only, as stated by Kirkisani, in the case of prohibiting the marriage with one's niece.

ZADOK'S BOOK

Does our fragment fit this description of Zadok's book? The latter was a denunciation of rabbinic laws and rules and a dry statement of the correct laws without arguments. Our fragment, it is true, contains strong abuse against nameless opponents, but objects only to three, expressly enumerated sins. No method of interpretation, no way in deducing new rules, no extension of the law is referred to at all, and our book does in no way look or pretend to be a *general* attack of a Zadokite on the basis and the development of rabbinic law. In addition to abuse and an emphasis of the three sins, it contains the history and the detailed constitution of a sect in Damascus which is the main, probably the only object of the fragment preserved. A general attack on Rabbinism and the statement of Sadducee law could not possibly have given an occasion for the representation of a sect in Damascus. Again, the laws in the fragment, covering pp. 9-16, are, it is true, merely enumerated and give, beside frequent references to the Torah, no arguments. But just as the prohibition against the marriage with the niece, being the third of the three laws discussed by our author, is derived from the Bible (p. 5, 7-11), so is immediately before it

¹ *Kitāb al Anwār*, ed. Harkavy, p. 283. ² p. XVIII.

the second of the three laws, the prohibition against marriage with another woman, whilst the first is alive, deduced from several passages of the Bible (p. 4, 20-5, 6). Though no *היקש*, nor any of the rules of interpretation is here applied, the presence of arguments cannot be denied; and if this were Zadok's book, Kirkisani could not have said that it gave an argument only in one case.³ It is to my mind evident that our fragment is not identical with Zadok's book quoted by Kirkisani.

This is further proved by another reference to Zadok's book in an Arabic commentary on Exodus either by Sahl b. Maṣliḥ (950-960) or by another Karaite writer of the tenth century:⁴ "Our ancestors used to look for the new moon (in order to fix the festivals); concerning this Saadia maintains that it was done owing to (the opposition of) Ṣadduḳ and Boethus. However, the books of the Sadducees are generally known, and nothing of what Saadia says is to be found in them. For the books of Ṣadduḳ deal, it is true, with the discussions with the Rabbanites in the times of the second Temple about sacrifices and other matters; but not one single line is to be found concerning the point mentioned by Saadia." On testing our book by the details of his statement, we find that it states no differences whatever between any two sects or sections of the Jews; and as far as the eight pages containing laws justify the inference, also the lost parts of the fragments contained no such differences. Among these there were prominent in Ṣadduḳ's book several about sacrifices; our fragment gives no reference to such. Considering that it deals exclusively with the colony in Damascus, no space was devoted in it to differences between Sadducees and Pharisees on sacrifices. The Temple is mentioned twice; but the passage deals with its defilement by a wrong observance of the laws of levitical purity and cannot be interpreted to refer to sacrifices. Consequently the book of Ṣadduḳ quoted by Sahl b. Maṣliḥ was wholly different from our fragment.

³ Schechter's remark p. XIX, note 22 that, as in this point the Karaites differed as much from the sect of Damascus as the Rabbanites, Kirkisani would not refer to it, because he only spoke of the criticism of the Rabbanites, is not convincing.

⁴ See Harkavy in Grätz, *Geschichte*, V, 4th ed., p. 475 ff.

THE ZADOKITE LAWS

But two single laws, reported by Kirkisani as peculiar to the Zadokites, were considered by Schechter as proof for the identity of our book with that of Sadduk. "The Zadokites absolutely forbade divorce which the Bible permitted."⁵ Now the 16 pages of our fragment contain, as far as I can see, not one single word about divorce, neither the biblical term *שִׁלַּח*, nor the rabbinic *גרשׁ*, nor is any of the synonyms for divorce alluded to in the paragraph p. 4, 20-5, 5 adduced by Schechter as agreeing with the Zadokites. It reads: "They are ensnared by two: by fornication, taking two wives during their lifetimes, but the foundation of the creation is, 'male and female created He them.' And they who came into the ark, 'two and two went into the ark.' As to the prince, it is written, 'He shall not multiply wives unto himself.'" Schechter in his note to the passage remarks: "The argument is evidently not only directed against polygamy, but also against divorce which certain Jewish sects forbade." But I am unable to see where the author prohibited or even thought to limit divorce. He exclusively deals with polygamy and remarriage after divorce without suggesting anything against divorce itself. Moreover, he takes it for granted without the slightest objection that a man may divorce his wife. The three passages adduced by the author from the Bible deal with polygamy only, and the utmost that could be read into his proofs, would be the interpretation possibly given to Deuter. 17, 17: he shall not marry another wife even after having divorced the first. As Schechter points out, the sect of the Dositheans, as reported by Epiphanius,⁶ observed exactly the same rule: "some of them abstain from a second marriage, but others never marry"; this means either after the first wife died or was divorced.⁷ In no case can it be proved that our fragment agreed with Kirkisani's Zadokites as to the absolute prohibition against divorce.

⁵ Kirkisani, p. 304. 311. Judah Hadassi, *Alphabeta* 97. 98.

⁶ *Haeres.* XIII.

⁷ Though Blau, *Die jüdische Ehescheidung*, p. 59-61 adopts Schechter's interpretation of the passage in our book, his proofs only demonstrate the prohibition against polygamy, not more.

Even the prohibition against polygamy has no parallel in earlier literature: and neither Kirkisani nor other Karaites quote either Sadduk, or any earlier authority for it. But few, as for instance, Sahl b. Maṣliaḥ, went as far as to forbid it;⁸ whence he derived it, is not known, as he mentions no source for it. Whether any authority before the destruction of the Temple had any knowledge of the prohibition, is at least doubtful. For Josephus⁹ says that it was an old custom to have several wives; and though he stated this in connection with marriages in Herod's family, it deserves special attention. Of the rabbis only very few thought it necessary to excuse polygamy; one in the manner of our fragment, proves from the creation of Adam and Eve that one wife is sufficient.¹⁰ As far as we know, the rabbis lived in monogamy;¹¹ but nothing indicates that they or any of their Jewish opponents prohibited

⁸ See Poznański in *REJ.*, XLV, p. 185, 6, who also refers to לקח טוב by Tobiah b. Eliezer on Lev. 18, 18, p. 51b: ושאמר שתי נשים בעלמא אסורות בידוע שאין להם לא דת ולא חוק ... אלא וודאי כשם שטענו בשתי נשים כך בשתי אחיות. Whom he meant is evident from his words to Deut. 21, 15, p. 35b: כמה טעיות טעו הקראים שאמרו ואשה אל אחותה לא תקח אלו שתי נשים ... where he expressly mentioned the Karaites.

⁹ *Antiq.* XVII, 1, 2, § 15; *Wars* I, 24, 2, § 477. Krauss, *Archaeologie*, II, 26 ff.

¹⁰ R. Judah b. Bethera in Abot R. Nathan, 2nd version, II, 5a: אף אני די אשתי די חלקי (see Blau, *Jüd. Ehescheidung*, p. 56). In Midrash Samuel I, § 7 (See Bacher, *Palaest. Amoräer*, II, 246, 2) R. Isaac says: The statement that Elkanah had two wives, is not meant to be a blame; Hannah herself expressed the wish that her husband should take another wife, as she had no children. In Genes. rab., 23, 2, R. Judah b. R. Simon describes it as a custom of the sinful generation of the flood to have two wives, one for bearing children, the other for intercourse.

¹¹ Otherwise Justin Martyr in *Dialogus cum Tryphone*, ch. 134 would have blamed the rabbis not merely because they encouraged immorality by sanctioning polygamy among the Jews, and by permitting them to lust after fair women so that some of them had even now four or five wives. But he would have reproached them also for their taking several wives, if he had only known one instance. Krauss (in *JQR.*, V, 130), when dealing with this passage, adds: "This matrimonial liberty was indeed, as a matter of fact, a painful characteristic of Talmud times," but he gives no evidence to prove this general statement and has left it out in his *Archäologie*, II, 26 ff.

polygamy. But whether the nobles of Jerusalem most of whom were Sadducees refrained from having several wives, is not known.¹² It is, therefore, for the present not possible to illustrate the prohibition of our fragment by earlier parallels than by Karaitic references¹³ of the tenth century.

The other law which Kirkisani attributes to the Zadokites is this: "They also fixed all the months at thirty days each. Again, they excluded the day of the Sabbath from the sum of the days of the feast of Passover, so as to make them seven days besides the Sabbath; in the same way also with the feast of Tabernacles."¹⁴ That our fragment contains nothing about the last peculiarity, could be accounted for by the fact that it has nothing about the festivals. But Schechter suggested that our author had adopted the calendar of the Book of Jubilees which was probably a solar calendar, for p. 16, 2 we read *הנה מכל אלה ישרא' לעורן קציהם לעורן* ופרוש קציהם לעורן *ישרא' מכל אלה הנה* "as to the explanation of their ends for a remembrance to Israel of all these, behold, it is exactly explained in the Book of the Divisions of the Seasons according to their Jubilees and their weeks." The reference is not clear, as the preceding piece is missing; but since the last line of it says "a man should make up his mind to return to the Torah of Moses in which everything is clearly explained," and in the line following the passage quoted, it states that "on the day on which the man makes up his mind to return to the Torah of Moses, the angel Mastemah will depart from him, if he keeps his promise," it is difficult to see how a reference to the calendar should stand between those two sentences. But Schechter (p. XVI) finds a proof for the different calendar of our fragment in p. 3, 13-16: "Revealing unto them the hidden things in which all erred: His holy Sabbaths and His glorious festivals, the testimony of his righteousness, and the ways of His truth, and the desires

¹² An epitropos of Agrippa II in Galilee had two wives, Sukkah 27a, bottom.

¹³ The Samaritans in the sixteenth century wrote that they took only one wife; and in the beginning of the eighteenth century they wrote: *לא* *נקה* *אלא* *שתי נשים בחייהם*, where *אלא* should be canceled. See Frankel, *Einfl. der pal. Exegese*, p. 252.

¹⁴ Kirkisani, p. 304; Hadassi, *Alphabeta* 97. 98.

of His will, which a man shall do and live by them." Schechter sees in this passage a mere paraphrase of Jubil. 6, 34: "And all the children of Israel will forget and will not find the path of the years."¹⁵ In fact, however, the two passages differ materially. While Jubilees enumerate years, months, seasons, and conclude by repeating the order of years, fixing the attention on the calendar, our book mentions Sabbaths and festivals, nothing else. But the Sabbath does in no way depend on the arrangement of the calendar; consequently the point of view is different. The parallel, pointed out by Schechter himself, p. 6, 18, 19, clearly indicates it: the correct observance of the prohibitions as to the Sabbath and the festivals headed in 6, 18 **ולשמור את יום השבת כפרושה ואת** 10, 14 **על השבת לשמרה כמישפטה** **והמועדות ואת יום התענית כמצותם**. Not one line in the book suggests an allusion to the importance of the calendar so frequently emphasized in the Book of Jubilees.

As to the Zadokite months of 30 days, it is strange that Josephus knew nothing or failed to mention this important difference between the Pharisees and Sadducees; but even more difficult is it that the Talmud, in discussing the different dates of the *omer* and *Shabuot*, says nothing of the far-reaching difference of a solar calendar of the Sadducees. Does the Book of Jubilees and of Enoch prove anything for Jerusalem? It is again noteworthy that only sources referring to the seventh and eighth centuries report of the Sadducee calendar. Poznanski, the well known specialist on Karaite literature and on the calendar, says:¹⁶ "It is recorded by David b. Merwān al-Mikmaṣ, a writer of the ninth century, that the Sadducees observed months of 30 days, i. e. solar months. This testimony, however, adds the disadvantage of obscurity to that of lateness; it finds no support in Talmudic sources." And elsewhere,¹⁷ he adds: "Earlier sources surely report nothing similar, so that it is extremely probable that peculiarities of later sects were attributed to the Sadducees (just as the reverse could have happened); but it shows that such sects existed. Jehuda haParsi, a heretic otherwise unknown, maintains that the Israelites

¹⁵ Is path = ארץ a mistake for ארך = length?

¹⁶ Hastings, *Encyclopedia of Religion*, III, 117b.

¹⁷ *PEJL*, I, 19 ff. cf. *JQR*, X, 265; *REJ*, XLIV, 177 ff.

always counted by solar years."¹⁸ It is, in any case, very characteristic that one author attributes the same calendar to the whole nation, and another merely to the Sadducees;¹⁹ one generalizing the observance of his own small sect and projecting it into the past, the other correctly limiting it to the Zadokites without indicating the time of their existence.

THE MARRIAGE WITH A NIECE

So far there is only one peculiarity of the Zadokite fragment that constitutes a clear parallel to the book of Šadduḳ, the prohibition against the marriage with a niece based on היקיש, analogy. Poznański, in his usual, thorough way, has incidentally discussed the same prohibition among the early Karaites²⁰ and has collected the material referring to this interesting question. First we learn that Anan, the founder of Karaism, taught the same in his *Fadhālika*, and his words preserved by Jeshua b. Judah in his ספר ואסיר ליה לזכר למינסב אחות אביו דמן אביו: בין מכשירה ובין מפסולה. ואסיר לה לנקבה לאנסובי לאחי אביה דמן אביו בין מכשירה ובין מפסולה. ואסיר אמה דמן אביה בין מכשירה בין מפסולה. Anan's source for this, as Kirkisani reports, was the analogy between man and woman; exactly the same as in the Zadokite fragment.²¹ As also the Samaritans observe this prohibition²² and similarly the sectarian Abu Imrān al-Tiflisi adopted it, Poznański

¹⁸ See Ibn Ezra on Gen. 8, 3, Exod. 12, 1, Lev. 25, 9.

¹⁹ I may add here that immediately before the passage quoted David Almiḳmaš in Judah Hadassi, Alphab. 97. 98, reports that the Sadducees took the words of the Bible literally, and also the anthropomorphic expressions about God. Some of them took these expressions to refer to angels or an angel who created the world at the command of God. How do these details fit into the picture drawn by Josephus?

²⁰ In Kaufmann's *Gedenkbuch*, p. 173 ff., *REJ.*, XLV, 184 ff.; Harkavy, *Anan*, p. 93.

²¹ Jefeth b. Ali also quotes Anan's rule (*REJ.*, XLV, 186), but he adds that Anan interpreted לא אחותה לא תקח in Lev. 18, 18 to refer to the niece and not to the sister.

²² We have no evidence that the Samaritans knew it already in pre-Karaite times.

infers that it must be of great antiquity, as Kirkisani actually reports that the Zadokites prohibited to marry a niece, on the analogy between man and woman. But who are Kirkisani's Zadokites, and what has Jewish literature to say to this evidence? Poznański refers to the הלכות גדולות²³ which refute the prohibition of the Karaites; but this reference of the ninth century naturally proves nothing as to whether the rabbis of the first century knew the prohibition. He further refers to the Baraita in Yebam. 62, bottom,²⁴ in which an anonymous teacher recommends it as a good deed to marry the daughter of one's own sister;²⁵ and Poznański sees in this an opposition against the Sadducee prohibition. But apart from the fact that only the daughter of the sister and not also of the brother is mentioned here,²⁶ there seems to be no opposition intended in the other recommendations of the same Baraita, to love one's relatives and neighbors.

In any case, it can be proved from rabbinic literature that rabbis of the first century whom Geiger considered true representatives of the early Halakah,²⁷ not only taught, but also acted against, the prohibition to marry one's niece, the daughter of their sister. So R. Eliezer b. Hyrkanos, at the instigation of his mother, married a daughter of his sister,²⁸ yet he was, as we well know and Geiger emphasizes, the most consistent Shammaiite after the destruction of the Temple. R. Josē the Galilean married his sister's daughter, was afterwards compelled to divorce her and she married in his lifetime another man (Genes. r. 17, 3), yet R. Josē maintained in his Halakah the conservative tradition, the views of the Sadducees according to Geiger. R. Ishmael who was of the same spirit once tried his utmost to persuade a man to marry his

²³ Ed. Hildesheimer, p. 609.

²⁴ האוהב את שכיניו והמקרב את קרוביו והנושא את בת אחותו והמלוה סליק.
לעני בשעת דוחקו עליו הכתוב אומר אז תקרא וי יענה תשוב ויאמר הנני.

²⁵ See also Tos. Kiddushin 1, 4; אהותו בת אחותו, and Nedar. 8, 7, Genes. rabba 80, 4, Midrash Abkir in Yalkut I, 146, REJ., XXII, 1890, 87 ff.

²⁶ See Rashi and Tosafot.

²⁷ Urschrift, p. 153, and elsewhere.

²⁸ Abot R. Nathan. XVI, 32a; p. Yebam. 13, 13c, 60.

sister's daughter.²⁹ But to pursue Geiger's view that a law which Karaites and Samaritans alike observed is sure to be of antiquity, with reference to the prohibition of marrying one's niece, I refer to the far-reaching dispute of the Shammaiites and Hillelites concerning **צרת הבת**.³⁰ Its basis is the case that a man married his brother's daughter, and the Shammaiites, even earlier representatives of the early Halakah, took no exception to it. And this not merely in theoretical discussions, but also in actual marriages of priests who had to observe the strictest rules in selecting their wives. R. Joshua b. Ḥananiah who had lived in Jerusalem before the destruction of the Temple testified³¹ that such marriages then occurred in so far as a man married his niece and another wife and after his death his brother married his childless widow, the other wife, in accordance with the view of the Shammaiites. If the Sadducee priests had considered such a marriage illegal, they would certainly have eliminated the family from the Temple. And the Shammaiite Dosa b. Harkinas and his brother Jonathan who had lived for many years in Jerusalem before the destruction, would not merely have objected to the marriage of the widow to her brother-in-law,³² but also to the first marriage with a niece. Professor Schechter might argue that it was just this combination of polygamy and of marriage with a niece, permitted by the two schools of Jerusalem between 30 and 50, that made the author of the Zadokite fragment take a stand p. 4, 20-5, 11, especially against the priests who had availed themselves of the new permission. But first nothing in those discussions about the second marriage indicates that the marriage with a niece had not been always permitted; and secondly, we have seen that though opposing polygamy in general, the fragment mentions only the special case when a man, after having divorced his wife, wants to

²⁹ Nedarim 9, 10; comp. 8, 7. Abba, a brother of the patriarch R. Gamaliel II, married the daughter of the latter, Yebam. 15a.

³⁰ Yebam. 15b, and parallels.

³¹ אני מקיד לכם על שתי משפחות גדולות שהיו בירושלים משפחת בית צבועים מבן עבמאי ומשפחת בית קופאי מבן מקושש שהם בני צרות ומהם כהנים גדולים ושמשו על גבי המזבח.

³² Yebam. 16a, and parallels.

marry another, and not the case underlying the above discussion.³³ Consequently this cannot have been the occasion for its attack. All these considerations and facts clearly show that there is no proof for the assumption that the Sadducees of the first century prohibited marriage with a niece.

As to Kirkisani's statement about the Zadokites prohibiting such a marriage, nothing proves that the book from which David Almiḳmaṣ or Kirkisani took this report, was of earlier origin than the eighth or ninth century. In order that this view may not appear hypercritical, I shall refer to Harkavy himself who, on the one hand, believes that the Karaites were the direct successors of the Sadducees, and on the other hand expresses the following opinion as to the origin and age of the book of Ṣadduḳ: ³⁴ "Since these proofs (by Kirkisani and Sahl b. Maṣliāḥ from the book of Ṣadduḳ) were used as polemical arguments against Rabbinism, it is highly improvable that the whole matter concerning a book or books of Ṣadduḳ should have been wholly invented; the opponents could then have disarmed the Karaites by asking them to produce the book. Least of all could a plain invention by Kirkisani be assumed, considering the whole character of his literary activity. More probably the matter proceeded in this way: since the destruction of the second Temple the poor remainders of the Sadducees were pining away in secret. At the time of the great sectarian movement in the East in general and in Judaism in particular (seventh or eighth century) the Sadducees came also forward with a polemical book or books against their ancient Pharisee opponents. That book either belonged to antiquity or was composed anew from old traditions; in any case, it was attributed to the founder of Sadduceeism.³⁵ The first Karaites used

³³ In the *Altercatio Simonis et Theophili*, VII, 28 the Christian Theophilus says to Simon the Jew: Similiter aquam luto mixtam volutas, sororem tuam tibi in conjugio copulas. Harnack in *Texte und Untersuchungen*, I, 136 ff. knows no explanation of the two statements. The first refers to the bitter waters in case of suspected adultery (Bergmann, *Apologetik*, 5, 1), the other to the marriage with a niece or sister-in-law.

³⁴ Grätz, *Geschichte*, V, note 17, 4th edition, p. 476.

³⁵ In the Hebrew Grätz, III, 495 Harkavy even says: ורק זה אפשר וקרוב לדעתנו כי לא היה החבור ההוא באמת מעדוק עצמן, רק נחבצר בזמן מאוחר ממנו ונתיחס אליו.

it as a source of Sadducean views adopted by them, and at the same time as a weapon against Rabbanism." According to this argument of Harkavy, Sadduk's book originated in the seventh or eighth century. Poznański³⁶ tries to prove that Saadia knew the book; for in the discussion about fixing the new moon he says: "But when one asks the Karaites for a proof from the Bible, they derive it from the 150 days in Genesis 7 by which Šadduk rightly proved the reverse of what they try to prove." But later on Poznański himself admits that Saadia could have known that reference directly or ~~more~~ indirectly. Kirkisani however, he argues, drew a great deal of information about Zadokites which is not otherwise known, and which he does not quote in the name of David Al-Mukmiš from Šadduk's books. He sums up his investigation into that question as follows: "Naturally, it is difficult to establish, by those few quotations, what books are meant, when they were composed, and by what title they bore the name of Šadduk. But we can take at least this much for certain that they contained Sadducean views and that the Karaites drew from them without taking exception to them. Those books could have equally been known to Anan who found therein embodied various views of Sadducees."

It seems that neither Saadia who in his attacks on Karaism exhausted all their sources and their literature, nor any of the Gaons who dealt with Karaites, actually saw the book. Had such an ancient and important source of the sect been accessible to Saadia, he would not have failed to disprove its statements. Probably Anan was the first who saw and used it; for, as we have seen, he prohibited marriage with a niece. But strange to say, there is another long and exhaustive exposition of Lev. 18, 18 by Anan³⁷ in which he proved that the marriage with a niece of the wife is permitted, sometimes even together with the wife, though to Anan the niece of the wife is a relative just as near as one's own niece. Yefeth b. Ali rightly exposes the strange inconsistency of Anan;

³⁶ *REJ.*, XLV, 177.

³⁷ Poznański in *REJ.*, XLV, 186 ff.; Harkavy, *Anan*, p. 105.

and it seems that his source gave him no direction on such extensions of the marriage prohibitions, or he did not know it when writing those lines, or did not recognize its injunctions. Now, if the Zadokite fragment was in any way, directly or indirectly, dependent on the book of Šadduḳ, it could not have been composed before 700 when the book of Šadduḳ was not yet in existence. And if it is independent of Šadduḳ's book, yet introduces controversial points which were unknown before the great sectarian movement, it could, at the earliest, have been composed during that movement. I admit that this inference only applies to the two halakic points concerning the marriage with a niece and marrying another wife when the first is still alive, though divorced; but it need not apply to the bulk of Halakas in the second part.

SECTARIAN LAWS IN THE ZADOKITE FRAGMENT

Though no dependence of our fragment on the book of Šadduḳ could be proved, there is no doubt that some of its legal points are in accord with non-Rabbinic sects of early times. Thus the very interesting law in 12, 13: "Nor shall fish be eaten unless they were split alive and their blood was shed,"³⁸ deserves special attention. Schechter refers to Wreschner's *Samaritanische Traditionen*, p. 51, who mentions Elijah Bashyatsi's report that some Karaites taught that fish must be caught by Karaites, if they are to be fit for food; others taught that death of the fish must ensue during the catching, while fish found dead, whether in the sea or on the shore are considered נבלה.³⁹ Munajja, the Samaritan of the twelfth century, reports that Saadia attacked those views of Samaritans and Karaites.⁴⁰ On the other hand Ibrahim, the Samaritan of the fifteenth century, expressly states that fish and locusts may be eaten without being slaughtered. As Saadia dealt with the subject, it is very probable that already Anan held the view reported in

³⁸ וחדגים אל יאכלו כי אם נקרעו חיים ונשפך דמם.

³⁹ שחיטה, אדרת אלהיו, 23.

⁴⁰ Poznanski in *The Karaite literary Opponents of Saadia*, p. 10 refers to Kirkisani's refutation of Saadia.

the name of Karaites;⁴¹ but nothing indicates that any earlier authority had taught the prohibition. The Book of Jubilees to which our fragment refers and from which, as Schechter has shown, it has derived ideas, knows nothing of a duty to shed the blood of fish. For 50, 12, in the laws concerning Sabbath, enjoins: "Whoever strikes or kills anything, or slaughters a beast or a bird, or whoever catches an animal^{41a} or a bird or a fish, or whoever fasts or makes war on the Sabbath. ..." Fish are only mentioned among the animals which are caught, but not, as birds, among those that are to be struck or killed or slaughtered. On the other hand, *Pirkē di R. Eliezer*, ch. IX, prescribes it as a duty to pour out the blood of fish.⁴² Considering the character and the late origin of this book, it is highly probable that, as in many other cases, it included a custom or rule which was in vogue in the place of its composition. The custom may have existed for several centuries before its inclusion in the *Pirkē*; but it is a strange coincidence that its appearance here should point to the same period as its occurrence in Karaite and Samaritan law and as in the Zadokite fragment. All proves that the latter originated in the seventh or eighth century.

But there is a much earlier reference to a heretical teaching about the slaughtering of fish. Several parallel passages in the

⁴¹ Hirschfeld in *JQR.*, XIX, 1907, p. 138, note 2 published from Kirkisani's *Kitāb al Anwār* the passage to which Poznański refers: "The exilarch (Anan) deduces a proof that fish caught by Gentiles are prohibited, from Num. 11, 12 which applies in a like manner to cattle and fish. Just as the term *ישחט* implies that the slaughtering of sheep and cattle must be performed by a coreligionist, the word *יאסף* teaches that "the gathering in" of fish should be done by a coreligionist. And Daniel (Alkumiši) argues in a like manner, on the strength of Genes. 9, 4, concerning the prohibition of eating live fish or such (caught) dead." Hirschfeld adds: Saadyah finds two flaws in the opinion of Anan which he endeavors to expose (in the fragment quoted) at some length. I may add that as the well informed Kirkisani quoted only Anan and Daniel, he cannot have found anything similar in earlier sources like the book of Šadduk. See also 4 Ezra 6, 48."

^{41a} Animal is the translation חיה = beast, Lev. 17, 13.

⁴² ואלו ששרצו מן המים דגים וחגבים נאכלין שלא בשחיטה אבל העוף אינו נאכל אלא בשחיטה. אלו שנבראו מן המים דמן לשפוך כמים ואלו שנבראו מן הארץ דמן לכסות בעפר *see Israel Lévi in REJ.*, LXI, 201, 3.

Midrash⁴³ report that Jacob of Kefar Nibburaya (of the fourth century) taught in Tyre that fish required slaughtering; to R. Ḥaggai who declared that teaching erroneous and its author worthy of stripes, he quoted Genes. 1, 20 where birds and fish are by juxtaposition shown to be equal in law. Evidently he interpreted *ויעוף* to be an accusative governed by *יִשְׂרְצוּ* just as *וַיִּשְׂרַץ נֶפֶשׁ חַיָּה* and birds to have been created out of the water just as fish.⁴⁵ The rabbis, on the other hand, separated the second half of the verse from the verb and taught that the birds were not created out of water, but out of alluvial mud⁴⁴ (*Ḥullin 27b*), and derived from Num. 11, 22 that fish required nothing but catching. It is not reported that Jacob Nibburaya was the author of that teaching, or whether he adopted it from some existing sect; nor is it evident whether it appeared to R. Ḥaggai novel or whether he knew it as sectarian, and that is why he declared the Jewish teacher who applied it, worthy of punishment. Whatever the case, the teaching of the Zadokite fragment is not identical with that rule, as it merely requires pouring out of the blood by splitting, not slaughtering, a very essential difference pointing to materially different derivations from an unknown source. In addition to this, Jacob of Nibburaya seems to have dealt only with the question of slaughtering fish, while the fragment also adds: But all the locusts

⁴³ Genes. r., 7, 2; *Pesikta rab.*, XIV, 61a; *Tanhuma B.* חוקת, 15, Num. r., 19, 3; *Kohel. r.*, 7, 23 (*Bacher, Pal. Amoræer*, III, 711): יעקב איש כפר נבוראי הורה בצור דגים טעונין שחיטה. שמע רבי חגי שלח ליה תא לקי. אמר ליה, בר אינש דאמר מלתא מן אורייתא לקי. אמר ליה מנין היא דאורייתא. אמר ליה מן הדא דכתיב ויאמר אלהים ישרצו המים שרין נפש חיה ועוף יעופף על הארץ. ומה עוף טעון שחיטה אף דגים טעונין שחיטה. אמר ליה לא הורית טב. אמר ליה מנין את מודע לי. אמר ליה רביע ואנא מודע לך דכתיב הצאן ובקר ישחט להם ומצא להם ואם את כל דגי הים יאסף להם ומצא להם, ישחט. אין כתיב כאן אלא יאסף. אמר חבוט חבטך רעוף רעפך דהיא טבא לאולפנא.

⁴⁴ See Schechter, p. LI, note 24.

⁴⁵ In *Hullin 27b* there is reported a question of—according to the commentaries קונטריון the hegemon addressed to R. Gamaliel or R. Johanan b. Zakkai about the contradiction between Genes. 1, 20: birds were created out of the water, and 2, 19: birds were created out of the earth; and the rabbi answered: they were created out of the alluvial mud; to his disciples, however, he says that they were created out of the water.

after their kind shall come into fire or into water whilst they are still living, for this is the manner of their creation.⁴⁶ On this very strange law not even Pirkē R. Eliezer agree with the fragment;⁴⁷ Schechter suggests that, according to our author, the elements of water and fire are to be found in the composition of the locust, hence they shall be killed by water or fire. But since fish which was created out of the water, was not to be killed by water, but by splitting, it seems that some other principle underlay his rule. Every animal must first be killed, in order to cease to be a living creature; as the locust has no blood, no knife nor any sharp instrument need or must be used, so that only drowning or burning is left. According to Pirkē di R. Eliezer also the locust, just as fish, was created out of the water and therefore requires, beside killing, pouring out of its blood, i. e. splitting.⁴⁸

Another law in the Zadokite fragment seems to point even to much earlier times. The second of the three sins for which the author strongly blames his opponents (5, 6), is this:⁴⁹ They

כל החגבים במוניהם יבאו באש או במים עד הם חיים כי הוא משפט
בריאחם.

⁴⁷ The Samaritan Ibrahim b. Jacob (Wreschner, p. 52) says that scholars hand down that the locust has to be killed in water.

⁴⁸ According to ספר העטור in הלכות שחיטה, Saadia himself taught that dead locusts were prohibited for food, while fish found dead were permitted. R. Hai Gaon who was asked to account for this inconsistency of Saadia, in a Responsum to the Jews of Sijilmessa replied that he had never before heard that Saadia prohibited locusts found dead (B. Goldberg, *R. Jehuda b. Koreisch Epistola*, Introduction, p. XVII, Harkavy in Horodezky's הגורן, II, 888), R. Hai concludes his argument by the characteristic words: מאן דאמר מתים אסורים אטו לשחיטה מצרכי לחן או לחניקה ביד ישראל, are the locusts to be alive in order to be slaughtered or to be strangled by a Jew? It seems to me that he had in mind the respective representatives of the two views that locusts must either be slaughtered or strangled by a Jew, the one taught by Jacob of Kefar Nibburaya, the other by Karaites. See also Kirkisani against Saadia in Poznański, *The Karaite literary Opponents of Saadia*, p. 10, and Ginzberg, *Geonica*, II, 43, 45; Ponański, in *ZfshB.*, IV, 73.

⁴⁹ וגם משמאים את המקדש אשר אין הם מברילים כתורה ושוכבים עם הרואה
את דם זוכה.

also contaminate the sanctuary, as they separate not according to the Law and lie with her who sees the blood of her issue." As he has given no further explanation of his charge, nor of the sinful observance of the other side, it is difficult to see with whom he sided; for there was an essential difference between Rabbanites, Samaritans, and Karaites about the law of the menstruous woman. Schechter did not pursue the matter, but merely referred to Wreschner's thorough chapter on the subject. According to Mishnah Niddah 4, 1 the Samaritan women were stricter than the rabbis and considered blood of every color levitically unclean. R. Meir⁶⁰ remarks that this strict observance would be a great thing, if the consequences of the strictness would not lead to a serious mistake, inasmuch as the Samaritan women include in the week of purity the day on which they notice blood, which is according to the rabbis levitically clean, and consider themselves clean before the time. According to another explanation, they count the day on which the bleeding stopped as the first of the purification. A Samaritan would, consequently, feel justified in charging the rabbis and their followers with acting against the law by treating a woman on the first day of her showing green or yellow blood as still clean. Now, according to Mishnah Niddah 4, 2, also the Sadducees followed the Samaritan view.⁶¹ One teacher of the second century remarks that Sadducee women are in this respect to be considered exactly the same as Samaritan women, if they adhere to the ways of their fathers, but if they give those up and walk in Jewish ways, they are like Jewesses. R. Josē says: They are always to be considered Jewesses, unless they resolve to walk in the ways of their fathers. Now, the teachers discussing the position of Sadducee women lived in the second century, so that their opinions would appear to be merely

⁶⁰ Niddah 33a: תניא אמר רבי מאיר אם הן יושבות על כל דם ודם תקנה. גדולה היא להן. אלא שרואות דם אדם ומשלימות אותו לדם ירוק. דבר אחר יום שפוסקת בו סופרתו למנין שבעה.

בנות צדוקין בזמן שנהגו ללכת בדרכי אבותיהן הרי הן ככותיות. פרשו ⁶¹ ללכת בדרכי ישראל הרי הן כישראלית. רבי יוסי אומר לגילום הן כישראליות עד שיפרשו ללכת בדרכי אבותיהן.

theory. But in the Talmud a Baraita reports:⁵² "Once a Sadducee, in conversation in the street, happened to spit on the garments of a highpriest; the latter was very much upset and went to inquire of his wife about the observance of the purity law on the part of Sadducee women. She told him: Though they are the wives of Sadducees, they are afraid of the Pharisees and show their blood to the scholars. According to R. Josē, she said: We know them very well, they show their blood to the scholars, except one woman in our street who refused to do so and died." The incident is reported by the same scholar who stated the rule, and thus we learn of the actual observance of Sadducee women not long before the destruction of the Temple. And when the Zadokite fragment blames the opponents for having intercourse with menstruous women, it could mean the Sadducees who, against their own law, accepted the rule of the Pharisees, and, after defiling themselves by following new Pharisaic practice, defiled the sanctuary. The express reference to the Temple seems to support that date and to prove the book as having been composed before the year 70. On the other hand, we know that not only Samaritans and Jews in the twelfth century differed on the same point, but also the Karaites of the same time.⁵³ As Saadia attacked the Karaites on this point, it is very probable that already Anan had adopted and taught the Sadducee view; and as Kirkisani, when dealing with the matter, does not refer to the book of Sadduk, this source probably contained nothing about it. As מקדש can mean the synagogue to which according to Anan the same laws of purity apply as to the court of the Temple,⁵⁴ there is no argument or proof

⁵² Niddah 33b, Tos. 5, 3: מעשה בצדוקי אחד שספר עם כהן גדול בשוק: ונחזה צנורה מפיו ונפלה לכהן גדול על בגדיו, והוריקו פניו של כהן גדול וקדם אצל אשתו. אמרה לו אף על פי שגששי צדוקים הן מתויראות מן הפרושים ומראות דם לחכמים. אמר רבי יוסי בקיאות אנו בהן יותר מן הכל והם מראות דם לחכמים חוץ מאשה אחת שהיתה בשכונתינו שלא הראתה דם לחכמים ומתה.

⁵³ Wreschner, *Samar. Traditionen*, p. 30 and 33. In addition to this, Abulfath reports that the Dositheans altered the time of reckoning the days of the purification of women, inasmuch as the woman should commence to count them only from the day following the bleeding, as the festivals extend from evening to evening.

⁵⁴ Harkavy, *Anan*, p. 53 ff.

against the conclusion derived from the consideration of other legal points that the Zadokite fragment was composed shortly before the time of Anan.

Another halakah concerning the law of levitical purity deserves some attention, though rabbinic literature affords no parallel or illustration. Immediately after the law prescribing the splitting of fish and killing of locust, we read:⁵⁵ "And all wood and stones and dust which will be polluted by the uncleanness of man shall be polluted like them: according to their uncleanness shall be unclean he who toucheth them." First, as Schechter states, the things mentioned are in rabbinic law not defilable, being merely stuff not shaped into a vessel or a tool.⁵⁶ But even granted that such can be defiled, it is against rabbinic rule that the uncleanness of man should be several times transferred and retain its original degree of impurity; for **טומאת האדם** includes according to Levit. 5, 3 and 22, 4, 5 several kinds of defilement which are not all of equal power. Of those only a dead human body transfers its impurity to a person and he, in his turn, transfers the acquired impurity to a vessel, but not to another person. Vessels defiled by a dead human body transfer their impurity to other vessels or to a person unchanged, but in a third instance the degree of uncleanness is reduced; an earthenware vessel cannot transfer its impurity without reduction.⁵⁷ Only if we assume that the author meant exclusively a defilement by a dead human body, does the unchanged transference of the impurity of things to a person who touched them, agree with rabbinic law⁵⁸ as represented in the halakic Midrash by rabbis of the school of Jamnia and Lydda. We do not know whether it was taught before the destruction of the Temple. If, however, the author of the Zadokite fragment referred to all kinds of impurity of man, there is no parallel except in the book of Munajja, the Samaritan of the twelfth century,

⁵⁵ p. 12, 15: **וכל העצים והאבנים והעפר אשר יגואלו בטומאת האדם לגואלי** וכל העצים והאבנים והעפר אשר יגואלו בטומאת האדם יטמאו כטומאת האדם. Instead of **שמו בהם כפי טומאת יטמא הנוגע בהם** Schechter reads **יגואלו כמותם**.

⁵⁶ Should not **וכל העצים** be emended into **וכלי העצים** ?

⁵⁷ Maimonides, **טומאת מת**, 5.

⁵⁸ Sifre, Num. 158, on Num. 31, 24, and parallels, Sifre, Num. 130, 127.

character as non-Rabbinic; but they are not sufficiently distinctive to determine in a positive way its position among the sects. Schechter (p. XXII ff.) suggests that our book represented the view of the sect of the Dositheans; but the material at our disposal about this branch of the Samaritans arrayed by him, is not only not conclusive, but has not even a real parallel in our fragment. For the months of thirty days in the calendar of the Dositheans cannot be traced, as was shown, in our book. As to their strictness in the observance of the Sabbath, it is strange that just the details reported by some Fathers of the Church and by Abulfath in their characterization of the Dositheans, are, as Schechter also notes, not to be found in the fragment. The former would not move on the Sabbath from their places or their position;⁶¹ p. II, 5 our author only prohibits to follow one's cattle to feed it outside the town further than 2000 cubits. According to Abulfath, the Dositheans taught that one must not drink on the Sabbath from vessels of metal or glass; our fragment forbids to draw water in a vessel. The Dositheans say, that one must not feed the cattle or give them to drink on the Sabbath, but the food should be placed before them on Friday; our author allows to drive the animals outside the town. Only the peculiarity stated by Epiphanius that some of the Dositheans abstain from a second marriage, has a parallel in the prohibition against marrying a second wife while the first is still alive; but even that is not quite certain. On the other hand, all other distinctive laws of the Dositheans cannot be traced in our book. Though Dr. Kohler has accepted and pursued the idea of the Dosithean origin of the fragment, it appears to me far from being proved.

Schechter (p. XVIII) also says: "Likewise, the laws concerning the Sabbath that play such an important part with the sect, agree in the main with those given in the Book of Jubilees to which also the Samaritan and Karaite code offer some important parallels, but they differ in many respects from the Pharisaic code." Considering the unique position which that book occupies in the Apocalyptic Literature, the agreement of our fragment with those laws would certainly tend to indicate the character of our

⁶¹ Hilgenfeld, *Ketzergeschichte*, p. 157.

book. But already a superficial examination of the Sabbath laws from p. 10, 14 to 11, 18 reveals full agreement of the details with rabbinic law in the Talmud, but with none of the characteristic prohibitions of Jubil. 50. First we should expect the prohibition of intercourse with one's wife (Jubil. 50, 8), all the more as the Samaritans⁶² and the Karaites from the times of Anan⁶³ strictly observed it. Its omission tells us more than other laws about the circle from which our fragment could not have proceeded. We know from the Mishnah Nedar. 3, 10 that the Sadducees did not agree on this point with the Samaritans; and as Kirkisani, when dealing with the matter, only mentions Anan, but not the book of Sadduk,⁶⁴ we may infer that neither Sadducees nor Zadokites knew anything of the prohibition. Another prohibition peculiar to the Book of Jubilees is that against fasting and fighting on the Sabbath (50, 12). Schechter suggests that in **אל יתערב איש מרצונו בשבת** (11, 4) the second word should read **יתרעב** = starve oneself; but it would be strange that religious fasting should have been expressed in this way, apart from the consideration that it is put in a rather unsuitable group of laws.¹⁵ The prohibitions which the fragment has in common with Jubilees and rabbinic, or Karaitic law, would naturally have been arranged in the same or a similar order, as Jubilees have them, if this book had, as Schechter thinks, influenced the long list of prohibitions concerning the Sabbath. There is a much closer relation between the non-rabbinic laws in that list and the Samaritans and Karaites than there is between them and the Book of Jubilees; yet nothing justifies the assumption that it was Sadducean. As to the rest, it is the rabbinic law: the

⁶² Schorr in **החלוין**, VI, 30 ff. proved that already the Samaritans in the times of the Mishnah observed it, and the rabbis in opposition to them recommended such intercourse on the Sabbath and that the institution of Ezra to eat garlic on Friday night (Baba kamma 82a, p. Megillah, 4, 75a, 27) was for this purpose. See also Kirchheim, **כרמי שומרון**, 27; Frankel, *Einfluss der pal. Exegese*, p. 252.

⁶³ See Schorr in **החלוין**, VI, 31 ff.

⁶⁴ Harkavy in Grätz, *Geschichte*, IV, 478 says that Anan took the prohibition from the Sadducees who derived it from **לא תעשה כל מלאכה**, but mentions no source for this; where is it to be found?

⁶⁵ Unless 5, 3 the dirty garments are those of mourning and fasting.

fixing of the time when before nightfall the Sabbath begins, not to talk useless things, not to discuss matters to be done on Sunday, not to walk beyond two thousand cubits outside the city, not to draw water in a vessel, not to ask a non-Jew to do one's work, not to put on soiled garments, or such as were brought by a non-Jew unless washed in water or rubbed with brickdust,⁶⁶ not to spend the Sabbath in a place inhabited by non-Jews, not to drive cattle beyond two thousand cubits outside the town, not to strike it, not to carry anything from or into the house, not to open a stuck vessel, not to carry outside the house spices, not to take up a stone or earth, not to carry a child, not to provoke a servant, not to assist an animal in casting or one that fell into a pit, etc. The author seems to have known not merely the earlier Halakah of the rabbis, but, exactly as Anan, he knew the Talmud itself, the laws of which he adopted either without any change or in making some of them stricter.

RABBINIC INFLUENCE

That he knew rabbinic law, is evident from his attitude towards the privileged position of the priest (13, 2): "And when there will arise ten, the man⁶⁷ who is a priest learned in the Book of Hagu⁶⁸

⁶⁶ They are defiled by the non-Jew and not fit for the Sabbath which is considered holy, of holy purity. לבונה is not incense, but as עפר לבינתא שרי in Shabbat. 50b אפר רב יהודה עפר לבינתא שרי powder of a pounded brick.

⁶⁷ איש is not the Mishnic אישי כהן גדול, but, as איש מהלום in the next line shows, is to be translated as איש מן הכהנים.

⁶⁸ The book is mentioned again in 10, 6 and 14, 7: ששה מכוננים בספר "judges may be versed in this book and the teachings of the covenant"; and so the priest must be versed in this book. The nearest would be to see in it the Torah itself which has to guide the priest and the judge in their decisions. This is supported by the addition of יסורי הכרית (7, 511) which mean the special laws of the covenant of the sect. On the other hand, we find that the wording of the laws in the Torah was in some instances differently interpreted by them, as in the marriage law, levitical purity, Sabbath, and holidays, so that the members are expected to act פרוש התורה 4, 8; 6, 18, 20. Now we find in 13, 6 פרוש התורה immediately after בספר ההגו, "the מבקש shall teach the ignorant priest in case he has to decide a question of leprosy, the interpretation of the Torah." From this it seems that ספר הגו means the Torah with the interpretation

shall not depart. According to his word shall they all be ruled. And if he is not versed in all these but a man of the Levites is versed in these, then it is his lot that all those who enter into the camp shall go out and come in according to his word. And if there is in a man a question concerning the law of leprosy, then the priest shall go and stand in the camp and the מבקר shall instruct him in the interpretation of the law; and if he is ignorant, he (the priest) shall shut him up, for unto them belongs the Judgment." Already Schechter refers to Hillel's interpretation of the same law⁶⁹ who admits that a priest, even an insane one, must pronounce the purity or impurity of the man, but only, after he was instructed by a scholar. The same is the attitude of our author, and he seems to have adopted the rabbinic Halakah, merely substituting פתי for שוטה.⁷⁰ Now, from a parallel⁷¹ we learn that this influence of the scholar in the decision of an ignorant priest

of the teachers of the sect, as in 20, 6 מדרש התורה. As this is identical with oral law and the author would not use for it the rabbinic תורה שבעל פה he invented this artificial denotation. Its meaning can be derived, without difficulty, from the rabbinic ההוגה = pronounce, Sanhedrin 10, 1: ההוגה את שם המפורש = שם המפורש in פרש p. Megillah, 4, 74d, 50: אפילו רגיל בתורה כעזרא לא יהא הוגה מפיו וקורא = pronounce orally. Comp. טעם זקנים, p. 57, where R. Hai writes: וכל רבותינו ואבותינו אוסרים להזכיר שם המפורש בבבל. וכשמזכירין אין אומרים אלא אדני כי מועתק הוא בקריאתו והגוינו ומסור מאחד לאחר ואין אומרים אותו אלא בקדושה ובעת צרה ואלא בכל עת וענין בהא אמרי הילכך כל כהני ולויאי מחייבין למגמר אורייתא (Harkavy p. 22) as Anan's (Harkavy p. 22) ופירושה.

⁶⁹ Sifra on Lev. 13, 2, p. 60b, § 8, Negaim 3, 1: מלמד שאין תומאה וטהרה: ללא מפי כהן. הא כיצד, חכם שבישראל רואה את הנגעים ואומר לכהן אף על פי שוטה אמור טמא והוא אומר טמא, אמור טהור והוא אומר טהור.

⁷⁰ It is true, we find פתי in a similar meaning in Ezek. 45, 20 מאיש על שלשה דברים עלה הלל מבבל. טהור הוא יכול יפטר וילך. טהור הוא אומר טמא והוא אומר טהור. ויהא טהור תלמוד לומר טהור הוא וטהרו הכהן. אי וטהרו הכהן יכול אם אמר הכהן על טמא טהור Geiger, Zeitschrift, II, 46 ff.

⁷¹ p. Pesahim 6, 1, 33a, 67; Sifra on Lev. 13, 37, p. 66d, § 15, Tos. Negaim 1, 16: על שלשה דברים עלה הלל מבבל. טהור הוא יכול יפטר וילך. טהור הוא אומר טמא והוא אומר טהור. ויהא טהור תלמוד לומר טהור הוא וטהרו הכהן. אי וטהרו הכהן יכול אם אמר הכהן על טמא טהור Geiger, Zeitschrift, II, 46 ff.

and, at the same time, the careful preservation of the privilege of the priest in his formal declaration was due to Hillel. An author who adopted this law, can hardly have been a Sadducee. The same is evident from p. 12, 8 where he prohibits to sell to a non-Jew clean animals, for they might be bought for sacrificial purposes. The rabbis prohibited the same,⁷² as it seems, soon after the destruction of the Temple; and, if the author of the Zadokite fragment borrowed it from rabbinic sources, he cannot have written it before the year 70. A much later date is indicated by the reference to excommunication on p. 20, 6: "And when his deeds shall appear according to the interpretation of the Law in which walk the men of perfection of holiness, no man shall associate with him in wealth and labor, for the saints of the most High above cursed him." No such exclusion from society is known to me before the time of the Tannas;⁷³ and the reason given for the prohibition against having business dealings with the banned: "for the saints of the most High have cursed him," has, as far as I remember, some kind of a parallel only in the *Pirḳē di R. Eliezer*⁷⁴ and in *Responsa* of the Gaons of the tenth and eleventh century.⁷⁵ It is hardly accidental that just that book offers a similar detail, as it contains a parallel to the pouring out of the

⁷² Abodah Zarah 1, 16: מקום שנהגו למכור בהמה דקה לנכרי מוכרין מקום. ושנהגו שלא למכור אין מוכרין. ובכל מקום אין מוכרין להם בהמה גסה עגלים וסייחים שלמים ושכורים. As Ben Betheria is identical with R. Judah b. Betheria, the discussion took place between 90 and 140. But there is an earlier reference to the prohibition in the Baraita in Abodah Zarah 7b. תניא אידך כהוס המדי אומר מוכרין להם סוס וזר וזקן במלחמה. אמרו לו נשתקע 7b. הדבר ולא נאמר. "Naḥum the Mede said: We may sell to them a male and an old horse in time of war; his colleagues answered him: This statement has never been made by anybody (Rashi)." Naḥum lived shortly before and after the destruction of the Temple (*Tos. Baba batra* 9, 1; b. *Ketubbot* 105a; *Nazir* 5, 4). We know nothing about an earlier treatment of the subject.

⁷³ Moed kaṭan 15a ff.

⁷⁴ Ch. XXXVIII: ובהרס בית דין העליון ובהרס בית דין התחתון, see *REL.* XLIII, 51 ff.

⁷⁵ *Aruch*, s. v. הסת, III, 229a, תשובות הגאונים, ed. Lyck, No. 9; *REL.* I, c., p. 52 ff.

blood of fish.⁷⁶ It is difficult to say which stage of development of the confession of sin is represented by the formula p. 20, 28: "we have sinned, we have committed wickedness, and we have done perversely (?), we and also our fathers, because they walked contrary to the laws of the covenant, and true is thy judgment against us."⁷⁷ The last three words correspond to Nehem. 9, 33 which verse forms part of the Jewish confession.⁷⁸ The synonyms for sin are taken from the form of the same prayer in which it was preserved by European rabbis of the eleventh to the fourteenth centuries.⁷⁹ It is from the times of the Gaons and possibly even earlier, since the highpriest in his confession in the service in the Temple of Jerusalem also said three verbs for sin.⁸⁰ The author knew the confession in the liturgy of the Jews in Talmudic times, therefore, his book could not have been composed before then.⁸¹

⁷⁶ Above, p. 442.

⁷⁷ ויתודו לפני אל חטאנו רשענו ועוינו (?) אנחנו גם אבותינו בלכתם קרי בחקי הברית ואמת משפטך בנו.

⁷⁸ Pesikta rab., XXXV, 160: אבל אנחנו חטאנו והם אומרים בלשון הזה, ולא אנחנו חטאנו ומשפטך ולא שוה לנו ואחיה העוין הרשענו פשענו מרדנו ומרינו וסרנו ממצותיך ומשפטך ולא שוה לנו ואחיה צדיק על כל הבא עלינו כי אמת עשית ואנחנו הרשענו.

⁷⁹ R. Aaron of Lunel in אורחות חיים, p. 106 bc says: אבל חטאנו אנחנו ואבותינו ועוינו ופשענו וסרנו ממצותיך ... ולזה נוסח דעת בעל העתים דלא אמרי ... טפי מהני ארבע אבל חטאנו אנחנו ואבותינו ועוינו ופשענו וסרנו ממצותיך ועל R. Menahem Meiri, quoted in Grätz's *Monatsschrift*, XXXVI, 412, says: ואל דרך זה היה נוסח הודו כימי הגאונים שלא היה בו אלא ארבע מלות בלבד, חטאנו אשמונו העוינו והרשענו וסרנו ממשפטך ...

⁸⁰ See Yoma 3, 8; Ibn Gayyat, שערי שמחה, p. 62; Poznański in *JQR.*, X, 252, 2.

⁸¹ This, if correct, would dispose of the suggestion of Dr. Margoliouth that the fragment represents the view of the early Jewish-Christian community in Damascus. But to meet his arguments, it is necessary to point out this. Epiphanius (*Haeres.* XXX, 2) says that the Ebionites like the Samaritans avoid touching a non-Jew and bathe after cohabitation on getting up. This agrees with our book (II, 3; II, 14), though exact agreement cannot be stated. Also the slight of King David is found with the Ebionites: they jeer at and curse David and Solomon (XXX, 18). But they extend

It must further be pointed out that the author of the fragment derives his new halakas not merely from an interpretation of verses in the Pentateuch, but also several times from Prophets and Hagiographa. It is true, we find Shammai derive from II Samuel 12, 9 the law that a man who deputed another to commit a murder is responsible for the act;⁸² but this is one of a very few exceptions. That Sadducees should have considered all books of the Bible of equal importance for the derivation of halakas, is nowhere reported; though the fact that the authorities in the times of Hananiah b. Hezekiah b. Garon intended to exclude the book of Ezekiel from the canon owing to its contradictions to the Pentateuch,⁸³ indicates that some school emphasized the laws as stated in the prophets. I need hardly say how improbable it is that just the Sadducees should have done so. On the other hand we find that Anan derived his halakas from all parts of the Bible indiscriminately, and Harkavy draws special attention to this his peculiarity.⁸⁴ Is this agreement of the Zadokite fragment with

this attitude to all prophets, Isaiah, Jeremiah, Daniel, Ezekiel, Elijah, and Elisha, just as the Samaritans (Hilgenfeld, *Ketzergeschichte*, 431 f.), while our fragment evinces the highest respect for and recognition of the prophets. Epiphanius further says that the Ebionites married twice, three times, even seven times; our author limits marriages. They reject all blood sacrifices (XXX, 16); our fragment not only does not oppose them, but prescribes some and presupposes the existence of a sacrificial Temple of the sect. Similarities between the Christian organization in the Syriac *Didascalia* and our fragment were emphasized by Dr. Kohler in the *American Journal of Theology*, 1911, 433; they are all very interesting and deserve attention on account of the geographical relations of the two books, but they are insufficient to explain our fragment. It is well known that the *Didascalia* attacks the observance of the Ebionites more fiercely than the practices of the Jews.

⁸² Kiddushim 43a: תני האומר לשלוחו צא הרוג את הנפש הוא חייב ושולחו חייב שנאמר אותו הרגת פטור. שמאי הזקן אומר משום חגי הנביא שולחו חייב שנאמר אותו הרגת כחרב בני עמון.

⁸³ Hagigah 13a; Shabbat 13b.

⁸⁴ Anan, p. XI: לענין הוצאת הדיונים חשב ענן את ספרי הנביאים והכתובים כמו תורת משה ודקדק במלותיהם ואותיותיהם כמו במלות התורה ואותיותיה. כאשר נראה בפרטות בדיני מילה (מספר יהושע ויחזקאל) בדיני יבום וחליצה (ממגלת רות).

Anan's consistent method of deriving laws accidental, or is it, as several other points stated before, due to their common origin in the eighth century? The haggadic interpretation of prophetic passages is even more peculiar; and the mere reading of the one instance p. 7, 14-21 as exposition of Amos 5, 26, 27 reveals it as foolish and without the remotest parallel even in the freest rabbinic Haggadah.⁸⁵ There is in Jewish literature nobody with whose interpretations it could be compared, except Anan's halackic derivations.

TEMPLE AND SACRIFICES

The accumulated evidence for the late composition of our fragment is strongly opposed by several clear references to sacrifices apparently still practised. Thus 9, 13 states: "If any recompense is made for that which has no owners, he who makes the recompense shall confess to the priest, and it shall all belong to him, besides the ram of the guilt-offering." And 11, 17: "No man shall bring anything on the altar on the Sabbath, save the burnt-offering of the Sabbath, for it is written, Save your Sabbaths.. No man shall send to the altar burnt-offerings or meat-offerings or frank-incense or wood through the hand of a man contaminated by any of the uncleanness, allowing to contaminate the altar..." 12, 1: "No man shall lie with a woman in the city of the Sanctuary to contaminate the city of the Sanctuary by their uncleanness." And in 16, 13: "As to the law of offering, no man shall vow anything for the altar under compulsion; nor shall the priests take anything from the Israelites." As all these rules are placed between laws concerning everyday life, there can be no doubt that they were given in order to be practised. They were addressed to the colony in Damascus to which our book is devoted, and we learn from them that those Jews sacrificed outside their central sanctuary in Palestine. Whether they lived there in the seventh century or when the Temple in Jerusalem still stood, it was equally strange and irregular that they brought sacrifices in Damascus, or even more unlawful when the Temple still existed. Again it is more probable that such worship was

⁸⁵ ובין עמים הם ספרי הנביאים אשר בזה ישראל את דבריהם.

introduced in Damascus as a continuation of that practised in Palestine, than that it was the resumption of an old custom that had ceased to be observed. This would suggest either Jerusalem and Judea before the year 70, or Shechem and Samaria before the time when the Samaritans ceased bringing all the sacrifices prescribed in the Torah. As we learn from Abulfath that the Emperor Zeno (474-491) forbade the Samaritans to burn, char, or destroy anything with fire, which meant the offering of sacrifices,⁸⁶ the reference of the Zadokite fragment could in that case allude to conditions before the year 486. But whether and when the sacrifices were after that resumed, is not reported; it would not appear improbable that the Moslems gave the Samaritans in Shechem permission to sacrifice.

The place whence the colonists in Damascus emigrated, is, strange to say, not mentioned, though several times referred to in an apparently clear manner. Jerusalem does not occur in the book,⁸⁷ but the emigrants come from the land of Judah (4, 3), yet they are never called Judeans, but Israelites (6, 2 and 8, 16). Is this merely the biblical style of the prophet Ezekiel, or does he mean non-Judeans in Judea? It is true, in 1, 3 he speaks of Israel and its sanctuary (6, 12) where he seems to refer to the kingdom of Judea and the Temple of Jerusalem, as immediately after this the delivery into the hand of Nebuchadnezzar is mentioned. The leader of the restored nation will be descended from Israel and Aaron (1, 7), the nation itself is Israel (1, 5; 4, 4; 3, 19) to whom a teacher of falsehood preaches (1, 14; 4, 13; 5, 20); all Israel goes astray (3, 14) and through the obedient God makes a new covenant with Israel (3, 13). But most instructive is p. 7, 9-14 where the author tells us that God visited the land and punished the wicked, the backsliders were killed by the sword, while those who held fast to the laws escaped to the north; on those who rejected the laws, the words in Isaiah 7, 17 about the

⁸⁶ Montgomery, *The Samaritans*, p. 112, explains the prohibition to refer in part to the peculiar fire-purifications prevalent amongst the Samaritans; so also on p. 319. But the many verbs clearly point to sacrifices.

⁸⁷ p. 20, 22 in the second fragment we read מְבִית פֶּלֶג אֲשֶׁר יֵצְאוּ מִעִיר הַקֹּדֶשׁ, the group of separatists who left the holy city; יְרוּשָׁלַיִם עִיר הַקֹּדֶשׁ, the group of separatists who left the holy city; in Isaiah 1 speaks for Jerusalem, the same Nehem. 2, 1.

separation of Ephraim from Judah were fulfilled. To this verse he adds the comment: When the two houses of Israel separated, Ephraim departed from Judah and the backsliders were killed by the sword and the observant escaped to the land of the north. It seems that the emigrants are denoted as Ephraim, corresponding to the Israelites emigrating from the land of Judah. We only know of the Samaritans that they called themselves descendants of Joseph and Israel; but nothing is known of Samaritans who settled in Judea before the destruction of the second Temple. On the other hand, there was in the fifth century a large community of Samaritans in Cæsarea,⁸⁸ at the time of the Moslem conquest a community in Lydda, later in Ramla, in Joppe, Ashkelon, and Gaza, and, as inscriptions found show, also in Emmaus-Nicopolis south-east of Lydda,⁸⁹ To this may be added that Benjamin of Tudela found in Damascus 400 Samaritans. I am fully conscious of the difficulties of assigning our fragment to a Samaritan author; the frequent reference to the prophets is quite sufficient to exclude a Samaritan. But I see no possibility of accounting in any other way for the worship of sacrifices in the community of emigrants in Damascus.

For the emigrants were commanded by our author not to marry their nieces and not to take another wife while the first, after being divorced, was still alive. These two prohibitions, it is true, could not be proved as parts of early Samaritan law; but the first is reported as having been observed by the Samaritans in the middle ages. In addition to this, the Zadokite fragment prohibits conjugal intercourse in the city of the sanctuary.⁹⁰ Neither the Torah, nor rabbinic law knows of such a prohibition;

⁸⁸ In p. Abodah Zarah 5, 44d, 54 the Samaritans of Cæsarea ask R. Abahu (between 280-300) why the Jews prohibited their food. When R. Abahu died (p. Abodah Zarah, 3, 42c, 22) in Cæsarea, the Samaritans rejoiced.

⁸⁹ Montgomery, *The Samaritans*, p. 148: The reference to the districts of Apharema, Lydda, and Ramathem as belonging to Samaria in I Maccab. 11, 34 has nothing to do with Samaritans; it deals with administrative districts.

⁹⁰ p. 12, 1: אֵל יִשְׁכֵּב אִישׁ עִם אִשְׁתּוֹ בְּעִיר הַמִּקְדָּשׁ לְטֹמֵא אֶת עִיר הַמִּקְדָּשׁ
בְּנִדְחָם.

and not even the highpriest was in any way restrained,⁸¹ save in case he had to officiate next day in accordance with Lev. 15, 16. The privileges of Jerusalem referring to the strict levitical purity of the Temple city,⁸² do not include the prohibition mentioned. That the Sadducee highpriests were in this respect stricter, is nowhere indicated; the reverse follows from the incident with the highpriest Matthiah b. Theophilos.⁸³ Our fragment, consequently, represents also in this a sectarian view. Its source seems to have been the undefined wording in Lev. 15, 16 **אִשֶּׁר תִּצְאָה מִמֶּנּוּ שִׁכְבָּת וְזֵרָע** which, identified or compared with Deut. 23, 11, could be interpreted to mean that every kind of issue defiled the Temple. Though I know nothing about the respective law of the Samaritans, the references of Kirkisani and Judah Hadassi to their strict observance of levitical purity justify the suggestion that the prohibition quoted may have been Samaritan or belonged to a similar unknown sect.

For the assumption that priests of Jerusalem in the first century before the current era should have founded an altar or a whole temple for bringing sacrifices in Damascus is not less difficult. Apart from the consideration of its unlawful nature which could now, after the discovery of the Egyptian Aramaic papyri, be minimized,⁸⁴ the sources dealing with religious life in Damascus are clearly against the existence of a temple with sacrifices in that city. Josephus (*Wars* II, 20, 2) reports that there lived in that city ten thousand or eighteen thousand (VII, 8, 7) Jews, and that most of the non-Jewish women observed the Jewish laws. What is meant by this, he describes (*C. Apion.* II, 39) as follows: "There is no city either of the Greeks or of Barbarians or anywhere, nor a people to which the celebration of the Sabbath, as we have it, has not come, and where the fast and the lighting of candles and many of our dietary laws are not

⁸¹ Josephus, *Antiq.* XVII, 6, 4; Tos. Yoma 1, 4; b. 12b, p. 2, 38d; comp. Yoma 6a; Tos. 1, 1, R. Judah b. Bethera.

⁸² Tos. Negaim 6, 2; Baba kam. 82b; Abot R. Nathan, XXXV, 52b; 2nd version, XXXIX, 54a; *KEJ.*, 1911, LXII, 201, 1912, LXII, 30.

⁸³ Josephus, *Antiq.* XVII, 6, 4.

⁸⁴ They could have referred to Zechar. 9, 1 **מִשָּׁה דָּבַר יְיָ בְּאָרְצָן חֶרֶף** **וְרִמְשֵׁק מִנְחֻמָּה**.

observed." Sacrifices of Jews are not referred to; and though an *argumentum e silentio* is not conclusive, it is certain that Jews in Damascus had no sanctuary, nor an altar for sacrifices before the year 70. Of course, it could be assumed that a small sect would not have been noticed in the great community of Jews not sacrificing; yet a temple with an altar would not have escaped the attention of Josephus. Apart from this, the laws prescribed for the founders of the temple reflect a community which has, as far as I know, no parallel in Roman times, and an organization of a Jewish colony which appears unique. They lived in the land of Damascus (I, 19, 5) among non-Jews (9, 1; I, 2, 3; 12, 6-11; 14, 5), inhabited several cities termed cities of Israel (12, 19; 11, 5), but also in several other places called מַחֲנֹת (7, 6 = 19, 2; 13, 20; 14, 3, 9; 10, 24; 13, 7, 13, 13) which seem to be smaller settlements, perhaps villages. Most of them lived in cities; for he says (7, 9): "And if they settle in camps in accordance with the usage of the land."⁹⁵ and take wives and beget children, they shall walk according to the Law." They owned fields (10, 20; 9, 9; 11, 5), slaves (11, 12; 12, 10), male and female, and cattle (12, 8; 11, 5, 13), and fowls (12, 8, 9); they hired men for work (11, 12), also non-Jews (11, 2), and nurses for children (11, 11). Some of the slaves entered the covenant of Abraham and were not to be sold to non-Jews (12, 10); the fields yielded corn and wine (and oil) (12, 9, 10) which also were not to be sold to non-Jews. The special warning that they should not defile themselves with creeping animals, honey, and animals living in water, and that fish and locusts require special treatment, clearly indicates that the settlements were in places where such animals were to be found and were used as food. No doubt, the members of movable camps in the first instance lived in this way, reminding us of Arab Bedouins.

SETTLEMENTS AROUND DAMASCUS

So far the colonies in and around Damascus, though unknown as to their existence and their mode of life, offer no great dif-

⁹⁵ The parallel in the other fragment p. 19, 3 וְאֵם מַחֲנֹת יֵשְׁבוּ כְּחֻקֵּי' assigns the camps in the country to the past. As מִקְרָם אֲשֶׁר הָיָה מִקְרָם, assigns the camps in the country to the past. As there must always have been villages, the word must then mean camps.

ficulty. But when we read that desecrators of the Sabbath and of the holy days shall not be killed but excluded from the congregation (12, 2-6), and in another case (9, 16) that death is the punishment, and one witness shall not be sufficient for a sentence to death (12, 1), it appears rather strange that they exercised the far reaching power over life and death even of their own members. Though the Romans may have granted to the city of Damascus a high degree of autonomy, a small body of Jews would certainly not have obtained such legal independence. Not even Schürer who tried his utmost to prove that Jews in the Roman provinces had their own courts and exercised the right of autonomous justice even in criminal cases,⁶⁶ can adduce an instance of capital punishment. If it is the justice of the head of a clan in its camp, there is no difficulty to understand it; but it is just this loose organization which it is difficult to realize in the case of Jews who are alleged to have left Jerusalem in the first century before, or of, the current era and should have turned into wandering Bedouins. Further we read (12, 6): "None shall stretch out his hand to shed the blood of any man from among the Gentiles for the sake of wealth and gain. Nor shall he take anything of their property in order that they blaspheme not, unless by the counsel of the congregation (חֲבוֹר) of Israel." Let anyone on these rules form an opinion of the character of Jews; were they not a tribe exactly like the Arabs living in the desert of Arabia, and did they not fight a neighboring non-Jewish tribe, killing or trying to kill a member of the latter or to rob their property? What does the permission of the whole body of Israel, meaning naturally the colonies, mean? Was it the united council of all tribes that had to give permission to take revenge on the neighboring tribe for bloodshed or theft? Read the picture which Grätz⁶⁷ draws of the Jewish tribes in Arabia shortly before Mohammed, and you will be struck by the naturally close parallels with the passage quoted. But in the first century nothing is known of the existence of such tribes, especially around Damascus.

Now, the settlers in the cities, and among those in Damascus, were of the same origin as those in the camps, and observed the

⁶⁶ *Geschichte des jüd. Volkes*, III, 4th edition, p. 114. 120.

⁶⁷ *Geschichte*, V, 4th edition, p. 76 ff.

same laws. They formed a community קהל (12, 6), had elders (9, 4) and a common temple in one of the cities (12, 1); in all cities the laws concerning clean and unclean animals and levitical purity were observed (12, 19. 20; 11, 19. 20, 22) of which those concerning the defilement of a human dead body are specified in two rules (12, 15-18. 7, 3. 4.), holy and common things were distinguished (12, 20), as in Palestine holy heave-offerings were separated (6, 20; 14, 4), for they had priests (9, 13. 15. 13, 2; 14, 3. 5. 6), learned and ignorant (13, 2.3), and Levites who were learned (13, 3). Debts that had no claimants, and lost things recovered that were not claimed, were handed to the priests (9, 13-1 16). The special warning against vows for the altar and against the acceptance of offerings of various kinds by the priests (16, 13-17), indicates the great influence of the priests over the colonists, and their piety and fear. The priests and Levites were represented on every court consisting of ten⁹⁸ members by four (10, 5), and some of the punishments which the courts inflicted, were of a curious levitical character, and have no parallel in Palestinian Jewish literature. "If a man acts sinfully against anything in the Torah and his fellow-man, only one sees it: if it be a matter of death, he shall make it known in his presence to the מבקר in giving evidence before the מבקר; and the מבקר shall write it down with his hand. When he does it again before one and this also informs of it the מבקר, and if he will be caught again before one, his sentence shall be complete. And if they are two and they witness against him another matter, the man shall be only excluded from the purification, if they are trustworthy; and the man shall inform of it the מבקר on the day when he has seen it." For complete evidence⁹⁹ two trustworthy witnesses are required, but for separating from the purification one is sufficient. "And there shall rise no witness before the judges to kill at his mouth whose days are not full to pass among them that are numbered, and who fears not God. No man shall be believed as a witness against his fellowman who transgresses a word of the

⁹⁸ Courts of ten members we find in Sanhedrin 7b where R. Joshua b. Levi says עשרה שיושבין בדין קולר תלוי בצואר כולן, and R. Huna called ten scholars when he had to judge.

⁹⁹ I read in 9, 22 ההוכחה = evidence, as in 9, 3.

commandment with a high hand, unless he has repented." Our sources do not enable us to trace the origin of the rules concerning the evidence of one witness; we know nothing about an exclusion from the purification. As far as we know, no Jew could be excluded from the prescribed purifications after a defilement, as it was in the interest of the community to have his impurity removed. On the other hand, the question is raised in the Talmud¹⁰⁰ whether the peace-offering of an excommunicated person may be sacrificed, though he was allowed to visit the Temple in Jerusalem.¹⁰¹ By refusing purification the colonists excluded the sinner from entering the sanctuary, perhaps even the city of the Temple. Consistently with this "a man who will err to profane the Sabbath and the Feasts, shall not be put to death; but it is upon the sons of man to watch him; if he will be healed of it, they shall watch him for seven years and then he shall come into the congregation" (12, 3-6); he is excluded from the whole community.¹⁰² It is noteworthy that in none of the cases in which the author pronounces death as punishment is the kind of death defined, whereas, according to the scholion of the *Megillat Ta'anit* to the 14th of Tammuz, the criminal code of the Sadducees in each case clearly stated whether it was stoning or another death. There was no section in Palestinian Judaism that, as far as we know, ever had a *מבקר* at its head or had even similar laws concerning the character and the evidence of witnesses. Those rules seem to belong to a non-Palestinian country and people, and it is not too far to suggest that they originated in the land of Damascus where the colony had settled; and it is not accidental that similar details can be found in the *Didascalia*,¹⁰³ a law-book of the Jewish Christians in Syria, which gives the *Episcopus* a position similar to that of the *מבקר* and excludes sinners from the church on the evidence of single witnesses. It is however the law

¹⁰⁰ Moed katan 15b.

¹⁰¹ Middot 2, 2.

¹⁰² In 12, 2 we read: Any man over whom the spirits of Belial will have dominion and he will speak rebellion, he shall be judged according to the law of the *אוב וירעוני*. The punishment is death, as also the following line shows; the sin is inciting people to idolatry, just as in the case of the sorcerers.

¹⁰³ See Kohler in *American Journal of Theology*, 1911, 416 ff.

of Syria and not Christianity that accounts for the presence of similar details in the two books.

A specimen of a very strange interpretation of Num. 30 is offered on p. 16 which, it seems to me, has been misunderstood. In 16, 1 the author says: "Therefore the man shall impose upon himself to return to the Torah of Moses, for therein is clearly explained.¹⁰⁴ And on the day when the man will impose upon himself to return to the Torah of Moses, the angel Mastemah will depart from behind him, if he will fulfil his words." The self-imposition is a vow, and that it must be kept, the author derives from Deut. 23, 24 which he interprets as follows (16, 7): "Every oath of binding oneself which a man imposes upon himself to fulfil a commandment in the Torah, must not be annulled even if it cost his life." He clearly translates שבועת אכר in Num. 30, 3, 14 as an oath of that kind, for he goes on: "Everything that a man imposes upon himself (to transgress), he must not fulfil it, even if it cost his life. And every oath of a woman about which [the Torah] said to her husband¹⁰⁵ to disallow her oath, no man shall disallow an oath of which he does not know whether it is to be confirmed or to be disallowed. If the oath is to transgress the covenant, he shall disallow it and he shall not confirm it. The same rule applies to her father." If it were possible to find a representative of this interpretation of Num. 30, the school could be defined to which our author belonged. But there is no trace in the whole passage of the slightest opposition to the rabbinic law about the dissolution of vows; for the rabbis taught exactly the same about a vow to fulfil a commandment and about one to break the law; no dissolution applied to such. Similarly, parallels can be adduced to the list of prohibitions against vows of property¹⁰⁶ to the altar and to the priests; the vow is termed a sin by the rabbis,¹⁰⁷ and our author fines the vowing man (16, 17, 18).

¹⁰⁴ עַל כֵּן יָקוּם הָאִישׁ עַל נַפְשׁוֹ לְשׁוּב אֶל תּוֹרַת מֹשֶׁה כִּי בָּהּ הֵכֵל מְדוּקָדָּה; instead of נַפְשׁוֹ read נַפְשׁוֹ, see 15, 12 and 16, 4.

¹⁰⁵ Read אִשָּׁה, for the contrast in 16, 12 לְאִבֶּיהָ requires a reference to the husband.

¹⁰⁶ In 16, 14 מֵאֵכֶל seems to be a mistake for כָּל and another word.

¹⁰⁷ Nedarim 22a, R. Nathan.

Of some interest is also the paragraph on the oath (p. 15, 1-9). The author not only prohibits the use of the most sacred name of God, the Tetragrammaton, in taking an oath, as the Samaritans¹⁰⁸ and the Dositheans;¹⁰⁹ he goes even further and excludes also אֱלֹהִים and אֲדֹנִי, and allows in the oath only the curses of the covenant,¹¹⁰ but without mentioning the Torah of Mosès. If one has sworn by the prohibited name, he has profaned the name of God; and if he has sworn by the curses of the covenant a false oath (Lev. 5, 22. 23), he must confess and return the object of guilt, otherwise he will die. Again we see here the interpretation of a word in a law of the Pentateuch, defining the exact form of an oath. What made the author exclude all names of God, whether his scrupulous respect for them or the too light use of the serious names by his followers, is not indicated in the book. But there is in these rules no trace of Samaritans or Dositheans or Essenes, nor can here anything be detected that would suggest pre-Christian times. The description of the names of God by their first letters is taken from the Mishnah Shebu'ot 4, 13 and the corresponding Baraitas which all belong to the middle of the second century. Our author may have merely acted in extreme opposition to those and similar sectarians who according to Kirkisani held that he who does not pronounce the Tetragrammaton as it is written, but as אֲדֹנִי, is guilty of unbelief.¹¹¹

To sum up, none of the halakic points considered, not even the references to a Temple, an altar, and sacrifice in the district of Damascus shake the accumulated evidence derived from the interpretation of the more distinct legal rules and laws and their history that the Zadokite fragment was the law-book of a tribe that lived in the neighborhood of Damascus about the seventh or eighth century. As the fragment in its first part gives also the

¹⁰⁸ p. Sanhedrin, 10, 1, 28b, 4 and Geiger, *Nachgelass, Schriften*, III, 261.

¹⁰⁹ Abulfath says that the Dositheans taught that the Tetragrammaton must not be pronounced, but אֱלֹהִים should be read.

¹¹⁰ Perhaps he derived it from Lev. 5, 1 אֱלֹהִים קוֹל אֱלֹהִים where the oath is termed אֱלֹהִים = curse; cf. Judges 17, 1; I Kings 8, 31.

¹¹¹ 319, 3 about some non-Karaites in Khorazan. In Abodah Zarah 18a, top it is reported that R. Hanina b. Teradjon (before 135) pronounced the name of God according to its letters.

origin of the sect, it will now be necessary to leave the Halakah and to consider the style of the writer and the details of the historical account. As the whole document presents itself as composed at the time of the events with which it deals, of the foundation and organization of the settlement, we shall by the ascertainment of the probable time of the composition directly obtain the period of the unique incidents which form the subject of the book.

LANGUAGE OF THE BOOK

"The language of the manuscript—says Professor Schechter (p. XI)—is for the most part pure Biblical Hebrew, the first three pages rise even to the dignity of Scriptural poetry. But there are in it terms and expressions which occur only in the Mishna or even only in the Rabbinic literature dating from the first centuries of the Middle Ages. It is, however, not impossible that all such expressions pointing to a later date are mere substitutions by the later scribe for the original terms." How precarious it is to remove a strong proof by attributing such substitutions to the scribe, it is hardly necessary to emphasize; the expressions are there, and must tell their evidence. The most striking feature of the language, however, is the continuous employment of whole phrases and sentences of the Bible the like of which we find in none of the literary productions of the pre-Christian, pre-Talmudic, and Talmudic times (except the Hebrew Ben-Sira which should not be used as evidence owing to its contentious character). It is unnecessary to quote examples from our fragment, as every page offers several. Besides this, the very hard, clumsy, sometimes almost impossible Hebrew in the halakic part which is not merely due to the style of the author, strikes one as late. I shall only cite p. 13, 2 ff.: **ובקום עשרה אל ימים איש כהן מבינן בספר ההגו על פיו ישקו כולם ואם אין הוא בחון בכל אלה ואיש מהלויים בחון באלה ויצא הגורל לצאת ולבוא על פיהו כל באי מחנה**. The translation is not difficult, for we are used to all kinds of Hebrew. But when examining the parts, we find **על פיו ישקו** borrowed from Genes. 41, 40 and used in an unnatural sense; similarly **לצאת ולבוא על פיהו** and **ויצא הגורל**. As to the vocab-

ulary, and **יבוקם** could be translated: when there will arise ten, though the context does not require it; **ימיש** is, it is true, a biblical word, but never used without the place whence one departs. **מיבונן** = versed, if passive, reminds one of the rabbinic interpretation of **יבוננהו** in Deut. 32, 10,¹¹² as the active form in 13, 5. 8 taken from Chronicles means "teach." **בחון** = expert, where is it found again? **נחית** (13, 6) has been discussed above (p. 453) as unusual; **עולם** (13, 8) = events of ancient times, because he found the verb in the Nif'al; **כפי יהותו** (12) "according to his position." Are such formations of nouns probable in the first century, and has anybody written such Hebrew? Perhaps, if a specimen of Samaritan Hebrew of that time were available, such forms could be stated; but not **יהות** which we would expect only in a translation of Arab philosophical writers. Or take a sentence like (11, 10) **אל יטול בבית מושבת סלע ועפר**; whatever **מושבת** means, a dwelling house or a closet,¹¹³ the line prohibits to take up a stone or a clod of earth. But does **סלע** mean a stone,¹¹⁴ as it must mean next to **עפר**? Either the author's knowledge of Hebrew was poor which is contradicted by his style in other parts of his book, or he thought in a language in which the word for rock also meant a small stone. In 20, 3. 6 **בהופע מעשיו** when his actions will be revealed, is not used before the Arab period; **מאמרם** או **מאמרים** (9, 10) seems to mean: in the presence of the judges or their representative, from the Arabic **ואולתם**; **אמר** (6, 10) means probably: others, as in mediæval Hebrew. In 9, 1) **כל אדם אשר יחרים אדם מאדם** the word **יחרים** has so far not been explained, it may have been, as others in this context,¹¹⁵ a technical term in the author's place, but **אדם מאדם** which Schechter explains as dittography, looks like

¹¹² Sifre, Deut., § 313, p. 134b: **יבוננהו, בעשרת הדברות, מלמד שהיה** ... **הדבור יוצא מפי הקב"ה והיו ישראל מסתכלים בו ויודעים**

¹¹³ Compare **המקורול** in Tos. Shabbat 13, 17, p. 8, 11c, 4; **באבנים מקורולות דחויין לבית הכסא**: **אבנים מקורולות**; **תנו רבנן שלש אבנים מקורולות מותר להכניס לבית הכסא**: 81a.

¹¹⁴ As **סלע** הבא בידים in R. Judah's statement in Baba batra 19a, in a Baraita. Little stones = spots in Genes. r. 20, 4 and parall.

¹¹⁵ **בהוכיח למבקר** (9, 3), **אשר לא בהוכח** (9, 3), **יביא על רעהו דבר** (9, 18), **מריעל** (10, 11. 13), **יקום האיש על נפשו** (9, 18).

an Arabism. בית השתחות (11, 22) which follows after a rule about sacrifices and stands before a rule about blowing the trumpets of the congregation, must mean, as also the sentence itself shows, a place of worship.¹¹⁶ If it is not a coincidence, it is the Arabic word for the house of prayer which the Falasha parallel quoted by Schechter does not refute. And in the difficult line referred to (11, 22) ובהרע הצוצרות הקהל יתקדם, או יתאחר ולא ישביתו את העבודה כולה¹¹⁷ the Arabism for: may it be earlier or later, is too clear to be considered accidental. And the unusual formulae introducing quotations from the Bible, כאשר כתוב, ואשר אמר, אשר כתוב, ואשר אמר, which have no parallels in rabbinic literature, are extant in Arabic.¹¹⁸ If these observations are not entirely without foundation, the book cannot have been written before the Arabs conquered the district of Damascus; or the Jewish settlers had been influenced by the various tribes of the ancient Ghassanide race whose kings had ruled in the districts around Damascus before the Arab conquest.¹¹⁹

¹¹⁶ It is noteworthy that our author prescribes levitical purity of some degree for entering the house of prayer which is not the Temple. This agrees with Anan's rule that a priest must not drink wine when about to enter the court of the tent of meeting (Harkavy, *Anan*, p. 21), and that the same applied to the synagogue. Further (p. 35) he prescribes the same purification for the synagogue as for the court of the tent of meeting.

¹¹⁷ The meaning of the whole sentence is obscure; does this line revert to the Sabbath laws as הוצרות הקהל suggests? For Num. 10, 7 prescribes the blowing of the trumpets for calling the congregation together; and Mishnah Hullin 1, 7, end, Sukkah 5, 5; Shabbat 35b tell us that just as in Jerusalem (Josephus, *Wars* IV, 9, 12), so elsewhere in Palestine and Babylonia the approach and the beginning of the Sabbath was announced by blowing the Shofar. Only the members of the covenant, strictly adhering to the words of the law, used trumpets. Whether the trumpets sounded earlier or later, the priests shall not stop the service (in the Temple), for it is a holy service (I supply in the lacuna עבדת, not שבת). It is possible that ולא is a mistake and in that case the rule should say: when the trumpets sound, everybody must stop work, for it is holy Sabbath.

¹¹⁸ How else is to be explained 3, 21 באשר הקים אל להם ביר יחזקאל, as God promised them?

¹¹⁹ Guy Le Strange, *Palestine under the Moslems*, p. 33.

THE HISTORICAL PART

In approaching the historical portion, I am quite aware of the difficulties that beset the way to the true interpretation; all the more so as the discoverer and editor of the fragment, just as the numerous reviewers of his learned book, some of recognized authority as E. Adler, Bacher, Chajes, Kohler, I. Lévi, Margoliouth, and Poznański, derived the authenticity of the contents as not to be contested and their pre-Christian origin from the historical part of our book, and only few of them as Adler and Bacher advanced doubts against its early origin. A closer examination of the whole story, however, reveals many difficulties against the theories proposed. For in spite of the most careful reading of the book and its commentary, I failed in detecting one certain indication of its early origin. The fragment opens with an impressive address to the knowers of justice, and announces God's judgment to the despisers of God. The author refers to the destruction of Israel and of its sanctuary, and to the preservation of a remnant; and he reports that 390 years after the delivery of the people into the hand of Nebuchadnezzar, at the termination of the wrath, God made the root of a plantation grow from Israel and Aaron to conquer his land and—in obscure phrases borrowed from the Bible—to enjoy the goodness of his land. If the figure were chronologically exact and not taken either from Ezek. 4, 5 or guessed, it could take us to the year 196 B. C., the times of Sirach. But neither our scanty knowledge of that period, nor the author's verbose poetry helps us to understand his statement; but so much we know as to see that his figure is wrong. As to conquering or taking possession of land in Palestine, we learn sufficient from Josephus and the two books of Maccabees: there was no opportunity for the subjects of the Ptolemies or the Seleucidae in Palestine to extend their boundaries before the year 153-2 under Jonathan the Maccabee, that is 413 years after Nebuchadnezzar's conquest of Judea. This figure would only be wrong 123 years for which the uncertain Jewish chronology of the Persian period could easily account. The Maccabees were a new root of a dynasty; but as they were of Judea the author would have used Israel to denote Judea, as in lines 3. 5, which is, though Ezekiel

constantly does the same, not quite smooth. It could also refer to the conquest of the Samaritans and of Samaria and of the Idumeans by John Hyrcanus between 129-125, or of Galilee by Aristobulus I about 104, which was the 482nd year since Nebuchadnezzar. Proceeding with his history, the author reports that Israel became conscious of its sins and groped in the dark for 20 years; this figure, if not apocalyptic, could, according to the first suggestion, refer to Simon the Maccabee and the first year of the reign of John Hyrcanus. Then seeing the true repentance of the people, God gave them a righteous teacher to lead them in the right way. Then He revealed to later generations the punishment to be inflicted¹²⁰ on the band of treacherous men.

Of course, the time of aberration, just as the punishment following on it, was past history to the author, and both constitute a great part of his preaching. A man of scoffing arose who preached untrue things and led Israel astray; a whole list of his and his follower's sins is given (1, 15-21) which will be considered later on. If the scoffer is, as Mr. E. Adler and Dr. Kohler suggest, Simon b. Shetaḥ and the Pharisee ascendancy under queen Alexandra (76-67), the punishment revealed to John Hyrcanus would be the conquest of Jerusalem by Pompey (63). But this is impossible, for the Sadducee nobility suffered much more than the Pharisees, as not only Josephus, but also the Psalms of Solomon prove. As he assigns the punishment to a later or to the last generation (1, 12), it seems probable to refer it to the destruction of Jerusalem by the Romans (70 C. E.). Here the first paragraph ends in which the author asked his followers, the knowers of righteousness, to consider God's doings; he shows that all sinners in the past were punished, in early as well as in later Israel.

In the second paragraph (2, 2-13) he addresses himself to the members of a covenant who evidently are identical with the knowers of righteousness. He points out to them the ways of wicked men who turned away from the right way and detested the law, and were punished by utter destruction. He emphasizes that they had never been chosen by God, for He knew beforehand

¹²⁰ ייִשָּׁה instead of יֵשָׁה in 1, 12.

their future actions; He rejected their descendants and turned away from the land, till they perished, as their end had been appointed by God.¹²¹ From all He raised a few good ones in order to preserve a remnant for the land and to fill the world with their seed; He informed them through His anointed one of His holy spirit, while He led astray those whom He hated. Accordingly the ways of the wicked (2, 2) mean their treatment by God; the sinners were considered as originally chosen by God, and the author has to prove that their destruction was justified. Nor did this prove anything against God's prescience, for all had been arranged before they were created. In the third paragraph (2, 14 ff.) the author reverts to the actions of God which his hearers should understand, so that they could choose the right action and reject the wrong one and not go astray through sinful thoughts and immoral eyes. Many in the past erred, as for instance the angels and their sons the giants who were afterwards swept away by the flood for their sins; also the sons of Noah and their descendants, and the sons of Jacob erred who were punished for it, but Abraham, Isaac, and Jacob observed God's commandments and were entered friends and men of God's covenant forever. Their descendants in Egypt acted against God's commandments and ate blood for which sins they died in the wilderness. In Kadesh they disobeyed and murmured, and God punished them; and also their descendants perished for the same sin, their kings, their mighty men, and their land were destroyed, the first members of the covenant sinned and were handed over to the sword. But through those who held fast to His commandments and were preserved, God made an eternal covenant with Israel and revealed them His laws; He led them and they dug a well of much water. Those, however, who rejected those laws and continued living in two old sins (3, 17), will not live, while to the obedient God forgave their sins and built for them a lasting house in Israel the like of which there never was before. Those who hold fast to God will live forever and attain every human glory (3, 20).

¹²¹ p. 2, 9. 10 is very difficult language. ויודע would give better sense as a pluperfect Hifil: God had many years ago revealed the years of the future existence of the wicked; נספּר ופּרשׁ, as we shall see, are synonyms, the first is a noun to ספּר = story: God had revealed the story of their end to all creatures.

In reading these glowing sentences the reader is all the time under the impression that the well was dug and the glory attained in the land of the preceding events, Palestine. But suddenly an interpretation of Ezek. 44, 15 (3, 21 ff.) tells us that those repentant men left the land of Judea with others joining them; and also the well was dug by the emigrants in the land of Damascus (6, 3 ff.). He terms them שְׂבִי יִשְׂרָאֵל (4, 3, cf. 19, 16), they were, consequently, up to now sinners whose sins God had first to forgive (3, 18);¹²² they are priests and laymen (8, 2), and the well is the Torah in its new interpretation (6, 4. 9). Besides these, others accepted their teaching who, however, seem to have remained in their original place, as the context in the continued interpretation of Ezekiel 44, 15 indicates (4, 3).¹²³ "the sons of Šadok." these are the chosen of Israel, renowned by names, whose sins God forgave (4, 6); and others who follow them in acting in accordance with the interpretation of the Torah, will also be forgiven their sins (4, 10). And when the appointed number of years shall have passed, they will not join again the house of Judea, but all shall remain in their positions. As the continuation of the verse¹²⁴ suggests, they guard their sanctity, their purity of life, after their sins were forgiven (4, 6), and they act justly. According to 6, 11¹²⁵ they have been made to promise not to enter the sanctuary to light the fire on the altar, and to bring about the closing of the door, if the people there (not mentioned) should continue their sins and not act according to the interpretation of the Torah. "They shall separate from property of wickedness

¹²² When explaining to the members of the covenant the punishment of the wicked (2, 2 ff.), he points out that God is longsuffering and full of forgiveness לְכַפֵּר בְּעֵד שְׂבִי פֶשַׁע, towards the repentant, but full of wrath to punish those who persist in their sins. The first group consists of the members of the new covenant, the sinners are those who rejected the new laws, as in 3, 12-20.

¹²³ As הַכֹּהֲנִים is explained to mean those who left Judea, and those who joined them, all sections of the emigrants are hereby exhausted; now follows בְּנֵי צִדּוֹק which must refer to non-emigrants.

¹²⁴ אֲשֶׁר שָׁמְרוּ אֶת מִשְׁמֶרֶת מִקְדָּשִׁי.

¹²⁵ From the context and the new address in 6, 20 to the members of the new covenant in the land of Damascus it is clear that the preceding paragraph 6, 11 refers to the members in their native country.

defiled by a vow and ban, and from the property of the sanctuary and from robbing the poor of the nation so that the widows are their prey and they murder the fatherless; and they shall distinguish between clean and unclean and make known between the holy and the profane and observe the Sabbath according to its interpretation and the feasts and the day of fast according to its command."

THE SINNERS IN JERUSALEM AND DAMASCUS

As several improbable explanations have been suggested of this list of sins, a few words of interpretation may be given here. First, property of the sanctuary could only be handled by priests, laymen had nothing to do with such, so that the denunciation could only have concerned priests. Secondly, property arising from ban, as far as biblical and rabbinic law informs us, could only belong to the Temple or to the priests, so that also this detail can only refer to priests. Vows mentioned together with ban can only mean goods vowed to the Temple, and such were administered by priests; consequently the appropriation of vowed goods cannot have been committed but by priests. Now 4, 12 tells us that while the emigrants lived in the land of Damascus and other members of the same covenant practised their virtues at home, a wicked man will be let loose upon Israel and teach them three sins: immorality, (sin against) property, and defilement of the Sanctuary, three wicked snares concerning which Levi the son of Jacob has spoken. Professor Schechter rightly points to the Testament of Levi, ch. 14, where the misappropriation of holy property is prophesied of the descendants of Levi. This is confirmed by the continuation in our fragment (6, 17) concerning the distinction between impure and pure, and holy and profane which was the exclusive privilege of priests (Lev. 10, 10; Ezek. 44, 23). If this is correct, then those to whom "the man of scoffing" preached wrong ideas (I, 14-21), were in the first instance priests. Unfortunately the list of sins is too general to allow a test,¹²⁶ but Testa-

¹²⁶ In 1, 16 one of the sins is the removal of the boundary set by the ancestors, which probably means the abolition of old customs and laws. In 5, 26 it is said that at the end of the destruction of the land there arose those who removed the boundary and led Israel astray, for they spoke re-

ment of Levi 16, 2 has the same: "And ye shall persecute righteous men,¹²⁷ and hate the godly; the words of the faithful shall ye abhor." And similarly the members of the covenant who promised not to enter the sanctuary and light the fire on the altar, were priests, and they were expected to force by their resistance the main body of the priests to adopt in their dealings with the sanctuary the law of the dissenters. It must be added here that, at the destruction of the land, also backsliders were killed (8, 1), members of the covenant who had given up the observance of the commandments. This is made certain by the parallel in 20, 1 ff. in the second fragment. Here the emigrants are termed members of the new covenant in the land of Damascus (20, 12), and their backsliders are also discussed (20, 8-12); different from both are those who had entered the community of the men of holy perfection (20, 2. 5. 7; 7, 5), but ceased to practise the commandments of the righteous. Any such man will be dismissed, when his actions become known, from the community of the disciples of God. And if his actions are against the interpretations of the Torah in which the men of holy perfection walk, he is excommunicated. As to the backsliders in 8, 1 ff., it is not clear whether those in Judea or in the land of Damascus are meant;¹²⁸ but it is evident that he is blaming Judah, on account of **בוני החיץ** (8, 12 = 19, 24) who pay no heed to the coming punishment and do not see that a preacher of untruth preaches to them with

bellion against the laws of God given by Moses and against His holy anointed one.

¹²⁷ According to 1, 19 they must have been judges. It is hardly necessary to add that just as little as **ויגדורו על נפש צדיק**, so **וירשיעו צדיק** means that they treated unjustly an individual.

¹²⁸ While **באי בריתו** speaks for Damascus, the verse adduced from Hosea 5, 10 about the princes of Judah, the list of sins containing immorality, misappropriation, and others, and the preacher of untruth show that the members of the covenant in Judah are referred to. The other fragment 19, 16 = 8, 3 has the addition **כי באו בכריתת תשובה** they had entered the covenant of repentance, but continued the sinful life. One of their sins is **ולא נזרו מעם** = they did not separate from the people (8, 8) and its sins (19, 20), while the **שבוי ישראל** departed from the way of the people (19, 29; 8, 16); the majority of the people who did not practise the laws of the covenant, were in his eyes all sinners.

whose community God is angry (8, 18-19, 31). They follow the ways of the kings of the nations (8, 11, 12, 19, 23), and the head of the king of Javan will come to execute punishment on the sinners.¹²⁹ This time is more generally termed the time of visitation (7, 9 = 19, 5) in which the observant will escape while the others will be destroyed by the sword.

The backsliders among the emigrants in the land of Damascus are threatened with even heavier punishment for having departed from the well of living water (19, 34); they will not be included henceforth, from the death of the unique teacher till the appearance of the Messiah from Aaron and Israel (20, 1), in the lists of the people. They and their families will have no portion in the house of the Torah (20, 10, 13) and will be punished as the treacherous in Judea (20, 10). Those members of the covenant who have broken through the bound of the law, will, when God appears to Israel, be destroyed from the camp, and along with them those who sinned in Judea in the days of purification (20, 25-27). Those, however, who hold fast to the laws and obey the teacher and confess their sins,¹³⁰ will not rebel against God's commandments, but will accept the teachings of the first teacher. It is very probable that the book was composed, when, soon after the foundation of the sect, several members ceased practising the special laws of the covenant and others entirely abandoned the cause. The death of the energetic first teacher may have contributed to the discouragement of the sect; and our author expected that, on the one hand, by referring his fellows to the speedy coming of the Messiah, and, on the other hand, by picturing the

¹²⁹ In 20, 10 they are described as men who returned with the men of scoffing; in 20, 26 מרשיעי יהודה. The first teacher of the new law in Judea is called משיח (2, 12), who teaches the remnant God's holy spirit. As also 20, 1 ff., deals with the beginning of the movement and incidentally mentions the death of the unique teacher, it seems that he is identical with the משיח. He died at the beginning of the new movement, and from his death the era of the followers is counted (20, 1, 14); forty years will pass till the faithless members who joined the preacher of untruth, will have died out (20, 14).

¹³⁰ The special purpose of the confession is the admission that the fathers have sinned by not obeying the laws which constitute now the covenant, and by recognizing that the punishment was justified.

punishments of the faithless in Judea and in the land of Damascus, he would succeed in strengthening the wavering and frightening the treacherous. The task and the duties imposed upon the members must have weighed heavily on them, and partly account for defections from the sect. They were commanded to give tithes, evidently to the many priests of the community (6, 20); the word "according to their explanations" seems even to indicate that those contributions went beyond those expressly commanded in the Torah. When the members emigrated from their native country, they had to leave behind their property and the income derived from it; only few may have brought money with them and bought the fields referred to in the book. Consequently, there were many poor in the camps depending on the support of their neighbors; in addition to them there were proselytes¹²¹ some of whom may have joined the sect in the hope of support. The duty to love one's brother and to support the poor, the needy, and the proselyte (6, 20, 21) had, therefore, especially to be mentioned.¹²² The observance of the laws of purity was not easy, though many of the members were priests (7. 3). The special reference to the vice of revenging oneself and bearing grudge (9, 2. 4, 6-7, 2. 3) suggests that there was not much love to cement the adherents of the sect together, and this may also have contributed to force some to leave the camp.

AUTHENTICITY OF THE BOOK

Professor Schechter takes it for granted that not only the central event of the fragment, the emigration and the settlement of Palestinian priests in the land of Damascus, is to be accepted as true, but also the details of the report referring to relations between two sections of priests in Jerusalem and the activity of a violent leader of the ruling party. And also the time of the

¹²¹ p. 14, 5 priests, Levites, Israelites, and proselytes.

¹²² In 14, 14 ff., we read that the contributions were delivered into the hand of the highest dignitary, the *מבקר*, and that the judges distributed them among the poor and needy, the old men who had nobody to support them and a maiden that had nobody to care for her (the last reminds one of the Christian charity organization in which the virgins enjoyed a special position), and all for whom nobody provided.

foundation of the sect in the year 176 B. C. is to be taken as exact, so that the kings of Javan would be Antiochus Epiphanes and his supporters. It has not escaped the attention of scholars who discussed the fragment that several generations intervened between the foundation of the sect and the activity of the man of scoffing who forced the members of the new teaching to emigrate (1, 11-20; 4, 12 ff.). The followers of the scoffer were destroyed (2, 1; 20?; 7, 9-14), and this visitation was called the first (7, 21; 8, 1); it has been explained as the conquest of Jerusalem by Pompey.¹³³ But in the continuation of the last named passage the future punishment of the faithless members of the covenant is announced; and in this description it is prophesied that the head of the kings of Javan will come to execute the punishment, and it is expressly stated that the visitation will come for the acceptance of the teaching of the preacher of untruth (8, 1-13). It is the second¹³⁴ and probably last judgment which the author views and which he most probably had already seen. According to this interpretation the writer must have composed his book after the destruction of the second Temple, but may have done so several centuries after the events described by him. As there is no statement in Jewish literature to confirm the report of the fragment, what could be adduced to prove the truth of its contents? Or is the whole book an invented story to prove the early origin of a sect that lived in the district of Damascus in the seventh or eighth century, and to defend its peculiarities as to worship, constitution, and religious law? Could then the list of the sins blamed on the opponents suggest the time and the character of the author?

An unknown preacher in Israel is held responsible for the aberration of the whole population of the city in Judea (1, 14 ff.). What has he done? Seven lines are devoted to the list of his wrong actions; but whether it is due to the poetical vein of the writer or to the fact that his generalities were easily understood by his contemporaries, he does not tell us more than that the followers of the scoffer were unjust and delivered to the sword.

¹³³ Some scholars refer this to the destruction of Jerusalem in the year 70.

¹³⁴ For he speaks of the first visitation.

He is clearer in 4, 12 ff. where he accuses him of immorality, misappropriation, and defilement of the Temple; here he quotes for his indictment the Testament of Levi. Did this book suggest to him the whole attack on the priests, or is it merely a quotation to support it? Though he can reproach the other side only with obeying different marriage laws, immorality is several times mentioned as a charge against the opponents (7, 1 להזיר מן הזונות, 8, 5 = 19, 17 ויתגוללו בדרכי זנות, 8, 7 = 19, 19 ויגשו לזמה 2, 16) in the strongest expressions and in generalities exactly as Testam. Levi 9, 9: "Beware of the spirit of fornication, for this shall continue and shall by thy seed pollute the holy place;" and more detailed in 14, 4-8 where the worst forms of lewdness are attributed to priests. Our fragment warns again against immorality and sinful inclination in 2, 16, and his first illustration is the sin of the angels, taken from apocalyptic literature, either from Enoch or the Testaments.¹³⁵ There may be many more passages which he borrowed from the Testaments, to use them as the framework in which to set his detailed attacks. It is not accidental that the Genizah of Cairo contains a fragment of the Testament of Levi, and that this attack on priests is based on that Testament. And that it was the Aramaic form of it which he used for his purposes, is evident from the so far unexplained word סרך frequently used by the author for "order" which occurs twice in the Aramaic fragment of the Testament of Levi.¹³⁶ If we knew when this version of the Testament was made, it would be possible to find a *terminus a quo*. But whenever this may have been done, there is not the slightest difficulty against the assumption that the Aramaic version was in existence in the seventh or eighth century, as the fragment of the Genizah proves its existence in the tenth or eleventh century. For on p. 16 our Zadokite fragment refers to the book of divisions of time according to their jubilees and their week (of years).¹³⁷ Though the reference in its present surround-

¹³⁵ The other passages in Jubilees and Enoch 1 contain none of the details quoted by the fragment.

¹³⁶ JQR., XIX, 574, 4. 6 where the Greek has τάξις = order; *American Journal of Theology*, 1911, 417, 41.

¹³⁷ If the whole reference is not by mistake placed here, it probably meant this: the sinner shall make up his mind to return to the law of the

ings is not intelligible, owing to the preceding lines not being preserved, there is no doubt that he meant a Book of Jubilees which could have formed a part of the Testaments.¹³⁸ Now, it is only due to an incidental reference that we know that the schools in Babylon had a Book of Jubilees in the tenth century different from ours and fuller, probably in Hebrew or Aramaic, known also to the Karaite Salman b. Jeruham¹³⁹ in its Hebrew Midrash form. This proves that if our author composed his book, as was shown from some of the halakas and the style, in the eighth century, there were at his disposal the Aramaic Testaments.¹⁴⁰ From these he took his illustration of the disobedience of the Israelites in Egypt (3, 4-6) by their eating blood.¹⁴¹ It seems also fairly clear why he selected just this book for his attacks on his opponents. As he wrote against priests and tried to prove that one section of them was never chosen, but from early times destined for destruction, he looked for an earlier source which gave the reasons for such punishment of priests and the prophecy of their visitations.

Torah, before the time expires which has been fixed for the trial. The length of this term קין, occurring also in 4, 5 וקין מעמרם = the length of their existence (see 2, 9), 6, 10 בכל קין הרשע all the time the wickedness will last, 12, 23 ער עמוד משיח בקין הרשעה, 15, 7; 20, 23 בקין מעל ישראל during the treason of Israel.

¹³⁸ Charles in *JQR.*, XIX, 567 says: The common source of these Greek and Aramaic texts is a work based partly on the Testaments and partly on the Book of Jubilees or else a work from which the authors of these books drew some of their materials.

¹³⁹ See Epstein, מוקדמוניות היהודים, part II, מדרש תרשא, p. V-VIII ff.

¹⁴⁰ To p. 8, 20 הוא הדבר אשר אמר ירמיה לברוך בן נריה ואלישע לגחזי נערי. Schechter, p. XVI, says: "In another place we have an allusion to the word which Jeremiah has spoken to Baruch, the son of Neriah, and Elisha to Gehazi his servant, which suggests the existence of Pseudepigraphic works ascribed to these Biblical personages and considered authoritative by the sect." It seems to me that Jerem. 45, 6 is quite sufficient for the statement in 8, 18, 19 and also II Kings 5, 26-27, and there is no need for assuming such Pseudepigrapha.

¹⁴¹ The same applies to his reference to Jannes and Jambres who are known from a quotation of the first century (see Schürer, III, 292); but it does not prove that he could not have known the legend in the eighth century from the Midrash or some other source, just as Jeraḥmeel (Schechter, p. LIX) knew it.

And the Testaments (Lev. 16, 1. 2)) also contained the length of the activity of the sinful priests (2, 9) in the required prophetic manner: "And now I have learnt in the book of Enoch that for seventy weeks ye shall go astray, and profane the priesthood, and pollute the sacrifices. (2) And ye shall make void the law, and set at nought the words of the prophets by evil perverseness. And ye shall persecute righteous men, and hate the godly; the words of the faithful shall ye abhor." He used every word of this description; and from here he appropriated the idea of a Messiah and of wise men from Aaron and Israel, as already Dr. Schechter has pointed out; only he puts Israel instead of Judah, for this tribe and its land are an abomination to him for reasons which cannot be ascertained from the book.¹⁴²

LACK OF INFORMATION

Or does the author's knowledge of characteristic details of Judea, Jerusalem, its population, its internal conditions, and its Temple¹⁴³ demand the early composition of our book? Not one

¹⁴² The tribe to which our author belonged, according to his report, originally lived in Judea, but having been persecuted, emigrated from the country. The hatred between the two sections grew so great that our author declared that, even after the end of suffering in the land of Damascus, no reunion with the house of Judah shall follow (4, 10. 11).

¹⁴³ We could explain 6, 15, 16, the accusation of misappropriation in the Temple by priests, as reflecting actual conditions in Jerusalem. Some goods vowed by Jews were considered by the priests as belonging to them, while the members of the covenant declared them, property of the Temple, as in fact we know from Nedar. 2, 4: **הרי עלי כהרם של כהנים מותר ואם סתם אסור ... רבי יהודה אומר ... סתם הרמים ביהודה מותרין ובגליל אסורין** **שאין אנשי גליל מכירין את חרמי הכהנים**, that some goods banned belonged to the Temple, others to the priests; see also Tos. Arakin. 4, 3. 4. Priests of high standing may have, by their great influence, persuaded people to vow their property to the Temple, and afterwards claimed it for themselves, as in Psalms of Solomon 4, 11: And their eyes are toward the house of a man that is prosperous, like a serpent, to pervert wisdom, speaking with the words of the transgressors (12). His words are words of deceit to the intent that he may accomplish his ungodly desire (13). He never ceaseth to scatter and bereave, and he maketh desolate for the sake of his wicked desire... (15) and his eyes are against his neighbor's house to destroy it with swelling words of flattery. The same we find in Matth. 23, 14-22 where, no

fact which can be verified by our sources, Josephus and the rabbinic literature, proves that the author had seen anything of the priesthood in Judea and had observed actual life in the times of the Temple. He is ignorant of the circumstances even of the event which constitutes the central fact of his book, the emigration of some priests of Judea to the land of Damascus. He forgot to state or probably did not know who caused the emigration and why and how and when; he only knew the settlement in the land of Damascus, though his description apparently deals with the very men who had left Judea and had founded the colony. If any tradition had been used by him, his facts would have been more substantial. And even though without tradition about the emigration, if he wrote in the first century, he could have exhibited at least some slight knowledge about Jerusalem, its priests, and the service in the Temple the purity of which gave him so much trouble and pain. Our author can never have seen the Temple, nor has he spoken to a priest of that sanctuary, nor has he read any sources dealing with the times of the second Temple, or else he forgot all real information characteristic of an author interested in the main facts of his subject. He must have been separated by a considerable time from the events which he described and, it seems, imagination took the place of facts which he borrowed from the Testaments. He had a few facts supplied by conditions of his own time and place: a sect in the district of Damascus consisting of Aaronites, just as the two Jewish tribes of Arabia, Bnu-Nadhir and Bnu-Kuraiza in the seventh century were of priestly descent and called themselves Alkahinani¹⁴⁴. The sect in Damascus differed in two important points of the marriage law from other Jewish tribes: they lived in monogamy and married no other woman after divorcing the first wife, as long as she was alive, and married no niece. They had a peculiar organization and constitution, and observed some laws of the Torah concerning levitical purity and killing animals for food more strictly than other Jews. In order to prove for

doubt, the noble priests were originally meant. Yet, as far as I know, there is no true parallel in our accounts.

¹⁴⁴ Graetz, *Geschichte*, V, 4th edition, p. 74.

some special purpose unknown¹⁴⁵ that their observance was not merely ancient, but the only correct rule,¹⁴⁶ our author constructed a history of his sect. It was invented to show that the sect had existed already in early times and that the differing practice of the Jews was wrong and followed the teaching of an unworthy, rebellious teacher and of a company that was punished by God.¹⁴⁷

CONTRUCTION OF HISTORY

We know similar constructions of history in the references of early Karaite writers to an existing Karaite sect in Jerusalem before the destruction of the Temple. An interesting instance is Kirkisani who in Professor Schechter's statement about the character of the Zadokite fragment plays a very important part. He says¹⁴⁸ that Jeroboam was the first sectary, after him came the Samaritans, and only after these, in the times of the second Temple, appeared the Rabbanites who raised themselves to be the heads of the whole nation. Among them Simon the Just was the first who, at the same time, was the last member of the Great Assembly; in fact, however, the Rabbanites only continued Jeroboam's work. Against them rose the Sadducees whose head were Sadok and Boethus. Sadok was the first who exposed the Rabbanites and contradicted them publicly. He revealed a part of the truth and composed books in which he frequently denounced the Rabbanites and criticised them. When reading this history of the religious developments of Judea during the last centuries of the second Temple, we are inclined to assume that Kirkisani found all this in Sadok's books, and that his presentation is worthy of

¹⁴⁵ The fact that he deliberately avoided to mention the name of Jerusalem or of the Jews, seems to suggest that he had a special consideration for Samaritans who, we know, were well represented in Damascus.

¹⁴⁶ It is not improbable that also the sacrifices and the Temple were not in existence, but an invented detail.

¹⁴⁷ He also seems to meet the obvious objection that priests ought not to have left the Temple, by showing that the separation, emigration, and new organization was prophesied by the earliest prophets. Even the new land and its interpreter, the gatherings and the prince were all foretold by them. Perhaps their own members raised such objections.

¹⁴⁸ See Poznański in *REJ.*, XLIV, (1902), 162, from *Kitāb al-Anwār*, II, 1,

serious consideration. But the reference to Šadduḡ and Boēthus at once betrays that Kirkisani or his source borrowed this statement from the rabbis, and that his informant knew nothing about the past. This is confirmed by his other reference to Simon the Just which is taken from the first sentence of Mishnah Abot. And after reading with great care Harkavy's evidence and Poznański's confirming arguments about the consciousness of the Karaites of their descent from the Sadducees, it seems to me that also their mere reference to the same Šadduḡ and Boēthus as their ancestors clearly showed that it was purely a construction based on Jewish sources. For how did they, otherwise, commit exactly the same mistake about the two eponymous heroes as the rabbis in Abot R. Nathan? It would be a very strange coincidence! Once Kirkisani had adopted it, other Karaite writers followed; and Joseph AlBaşir is an interesting illustration of the construction: "In the times of the second Temple the Rabbanites, then called Pharisees, became the masters, while the Karaites, then known as the Sadducees, were at the bottom." That there was no early source available for this, is evident from the parallel statement of the author of the Differences between Rabbanites and Karaites: "We are much earlier than they (the Talmudists); from us descended the Jerusalemites, the Shammaiites, the Sadducees, and the Boethusians." What he meant was the spiritual relation between the halakic principles of the Shammaiites and those of the Karaites.¹⁴⁹

The tendency of the Zadokite fragment is the same, only its construction of history is more elaborate and clothed in historical events located as to place, and time, persons, and actions; and it owes its origin, as several halakas show, to the time when a number of sects were brought into existence in Asia at the end of the seventh and the first half of the eighth century. Judean and Jewish in its beginnings, the sect depicted came in closer and continuous contact with the Samaritans in Damascus and adopted some of its religious practices and prohibitions which we find in this fragment. If the references to a Temple with sacrifices and an altar reflect actual conditions, the latter were, as has been

¹⁴⁹ Poznański in *REJ.*, XLIV, 175.

pointed out above, founded by Samaritans, especially as it is not said in the fragment that the Judean emigrants instituted them. When the Judeans came to the land of Damascus, they were after some time admitted to the Samaritan Temple on the condition that they observed the strict laws of purity required for the sanctuary by the Samaritans. Perhaps even the awkward style and the unusual words were due to Samaritan influence. But for the present we know too little about Jews and Samaritans in the district of Damascus in the seventh and eighth centuries to attempt to solve all difficulties of the fragment.

Let us be grateful to Professor Schechter for his discovery and for the thoroughness with which he has elucidated many of the most difficult points; and especially for the many-sided commentary and the learned introduction in which he has drawn our attention to the numerous problems awaiting solution. Even if his find should not prove to be an early Zadokite book, but one of the many links in the great religious upheaval of the times immediately preceding the Karaite movement, it has drawn the attention of the literary world to a chapter of Jewish history which has rightly invited the collaboration of many great minds and will long continue in attracting and captivating our best scholars.

London

A. BÜCHLER

ANNOUNCEMENT

I had the opportunity of reading the article of the Reverend Professor Doctor Adolph Büchler, Principal of the Jews' College, London, in proof, and prepared a refutation of it. But the rumor having reached me that M. Israel Levi, of Paris, has discovered new pages of the Zadokite document which he is about to publish in the *Revue des Études juives*, I decided to keep back the publication of my rejoinder until these new discoveries have been made accessible to the public.

S. SCHECHTER

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SAADIA STUDIES

By HENRY MALTER, Dropsie College

I

ANOTHER FRAGMENT OF SAADIA'S ספר הנלוו (LIBER EXSULIS)

WHILE in Cairo in 1891, Dr. Cyrus Adler purchased a number of Hebrew and Arabic Genizah fragments of manuscripts which he has recently given to the Dropsie College. One of these fragments contains a portion of Saadia's ספר הנלוו. It should be noted at once that it is not a new portion but one already published by Harkavy¹ from another manuscript. The latter, however, was defective in many places, so that the editor had to supply the missing words or phrases by conjecture. Moreover, our fragment, as far as it goes, offers numerous variants, some of which are of considerable importance, as will be seen in the notes. Harkavy's Hebrew translation of the corresponding portion of the Arabic text is in many instances incorrect and some of his explanatory notes inadequate.² As additional material from the writings of the great Gaon is of historical and literary value, I deemed it advisable to republish the Arabic text of the fragment in question and to accompany it by a literal English translation and a few elucidating notes.

¹ *Studien und Mittheilungen*, V, 151-157.

² See Bacher's thorough review of the work in *REJ.*, XXIV (1892), 307-318.

The fragment, parchment, size 17 x 13 cm. (writing 13 x 10 cm.), consists of two leaves. Each of the four pages contains 18 lines written in a large square hand. Diacritical points are missing except on the letters ו and י. In the edition of Harkavy there are fifteen and a half lines preceding the passage with which our fragment begins and, as is evident from the content of these lines, they were very near the beginning of the book.³

Saadia had originally written the *Sefer ha-Galui* in pure biblical Hebrew imitating the Scriptures also in the outward form by dividing the content of the work into verses and providing it with accents. His antagonists used this method of his as a pretext for their attacks on the author, claiming that he did that with the purpose of giving his work the appearance, and hence the importance, of the Bible. Saadia, therefore, issued a second version of the book with an Arabic translation and an introduction in which he defends himself against the various objections made by his antagonists.⁴ Among other things he asserts that there is nothing wrong in the arranging of a book in verses and in providing it with accents and vowel-points, as this is simply a means of facilitating the reading and the understanding of the text. Moreover, many authors before him, as Ben Sira, a certain Eleazar b. 'Irai, the five sons of Mattathiah the Hasmonean, and others, have done the same, without anybody having ever objected to their method. Here our fragment begins as given below.

I should here like to call particular attention to the fourth line of our text, which may be of historical import-

³ Comp. Harkavy, *l. c.*, p. 149, n. 1.

⁴ See on the whole matter Harkavy, *l. c.*, 142 ff.; Schechter, *Saadyana*, p. 13.

ance, as the name (אֱלִשְׁנֹרִי) occurring there will perhaps help to identify the person referred to by Saadia. At first sight I thought of the pseudo-Messiah *Screnus*, whose name is given in various forms, also *Zonoria*, which would correspond to שְׁנֹרִי.⁵ To my mind it is still questionable whether this pretender was a Jew at all, so that the epithet אֱלִנְצִרָאנִי would not be so much in the way of this assumption. There are, however, so many other difficulties that I would not venture anything beyond a mere suggestion. One is also tempted to read אֱלִשְׁנִירִי, meaning "the rascal" or "impostor," but the letters ו and י are very carefully distinguished throughout the fragment, which is written in an exceptionally clear hand and is well preserved. Besides, we should then expect שְׁנִירִי^w, instead of שְׁנֹרִי.

TRANSLATION

.....and as Simeon and Johanan and Joniathan and Eleazar, the sons of Mattathiah, wrote a book on what happened unto them, resembling the book of Daniel—, in the language of the Chaldeans.⁶ In this our generation the people of Kairwan⁷ composed a Hebrew book on what they

⁵ See Grätz, *Geschichte*, V (3), 401, Note 14; comp. *JQR.*, 1910, p. 210 f. Mr. B. Halper suggests to me that אֱלִשְׁנֹרִי may mean "the Babylonian," for Saadia always renders the biblical שְׁנַר = Babylonia, by שִׁנֹּר (comp. e. g. Gen. 10, 10; 11, 2). But aside from the missing of the י after the ש in our MS. as well as in that of Harkavy, it is not very probable that Saadia should have designated the man merely by "the Babylonian Christian," without mentioning his name. Moreover, we would then expect אֱלִשְׁנִירִי.

⁶ According to Harkavy, *l. c.*, 205 ff., Saadia has reference to the Aramaic מַגֵּלְתָּ אֲנִיּוֹכּוֹם, which he, like others, had ascribed to the Maccabeans; comp. Poznański, *Schechter's Saadyana*, p. 22, No. 15.

⁷ The people of Kairwān are mentioned twice more in the extant pages of the סֵפֶר הַגְּלוּי; see Harkavy, 163, l. 8, 181, l. 10; comp. Schechter, *JQR.*, XVI, 427; Poznański, *אנשי קירואן*, 2.

suffered at the hands of אֱלִישֹׁנִי⁸ the Christian; it was divided into verses and provided with accents. Likewise I have composed while in 'Irâk a Hebrew book by the advice of him who was then exilarch telling therein what had come upon the nation through the aberration of Ben Meir of Palestine regarding the order of the festivals;⁹ it was divided into verses and provided with accents. Moreover I composed a book telling of the tribulations and the molestations I had encountered at the hands of some of his¹⁰ adherents; it was written in Hebrew, divided into verses and provided with vowel-points and accents, so that it might be more easily read and more readily retained. The subjects [to be discussed in] this book number ten; from each one of them the nation will derive an evident benefit. Seven of these subjects will be made clear in their respective places, while the other three will be spread throughout the whole book. It is necessary that I should indicate their contents

⁸ In שְׁעִי, which is the reading of Harkavy's text (see also *ib.*, 209-11), the ׁ is an erroneous combination of the letters נו, while the ך stands for ר.

⁹ Harkavy, whose manuscript was defective in this passage, supplied the words [וְהוּא אֶלְמַסְמִי בִּכְתָּאב אֶל] אֶנְיֹאד "which is entitled 'The Book of the Festivals.'" On the basis of this supplement the book is always quoted under the title סֵפֶר הַמּוֹעֲדִים. But, as we see here, Harkavy's addition is not in the text and Saadia did not intend to give here the exact Arabic equivalent of the Hebrew title, which would then be סֵפֶר הַמּוֹעֲדִים, but merely indicated that the book dealt with the order of the festivals. No more definite is the second passage in which he refers to the work (Harkavy, 181, l. 12), where he says אֶלְכְּתָאב אֶלְדִּי אֶלְפִתָּה פִּי אֶמֶר אֶלְמוֹעֲדִים "the book which I composed regarding the festivals." The title סֵפֶר הַמּוֹעֲדִים, though very probable, is nevertheless only conjectural. For more details on this book see below p. 505 ff., Nos. 9-10. We learn here that the סֵפֶר הַמּוֹעֲדִים was also written by Saadia at the request of the exilarch, as was the סֵפֶר הַזִּכְרוֹן discussed in the following article.

¹⁰ Refers to the exilarch David b. Zakkai, with whom he was then at enmity. The book is unfortunately lost.

and the cause that induced me to the treatment of each one of them, and I say: the first one of them will be a description of learning and the indication of the way to its attainment, a characterization of the superiority of those who love it and of the inferiority of those who hate it. The cause that induced me to discuss this matter was that those people¹¹ antagonized me solely because of their hatred of learning and their desire that there should be in the nation neither learning nor justice.¹² The second chapter will contain the calculation of how many years prophecy existed in our nation, and I show that it lasted a thousand years; further [the question] after how many years the whole Mishnah was completed, and I show that this took place 500 years later;¹³ finally [I investigate] when the Talmud was finished, and [I prove] that both [Mishnah and Talmud] were uninterruptedly transmitted orally until the time of their commitment to writing.¹⁴ The cause that led me to this discussion was that I found that those who call themselves Rabbis at present are ignorant in these matters and do not walk in the path of the ancients, who live in their mouth¹⁵ and from whose [mental] food they are fed. The third chapter will give a description of what happens in a country of which an unjust person tries to assume the

¹¹ Refers again to the exilarch and his adherents mentioned before.

¹² Comp. Harkavy, p. 152, n. 7.

¹³ I. e. 500 years after the cessation of prophecy.

¹⁴ This is an important testimony showing that in his opinion the Mishnah was committed to writing in the time of the Tannaim; comp. Harkavy, 196, n. 12.

¹⁵ The word פִּי at the end of the line (l. 10) is written with a stroke on the left side of the *yod*: פִּי, which makes it appear as the abbreviation of the following פִּיהֶם. If this be the case the sentence would offer no proper sense. It seems that Saadia made use here of the common rabbinical phrase רְבוּתֵינוּ אֲנִי חֵיין אֲשֶׁר מִפִּיהֶם אֲנִי חֵיין; comp. Ketubbot 12b.

leadership. The cause that called forth this discussion was the affairs of David b. Zakkai and what happened to him. The fourth chapter¹⁶ will show that God does not leave his nation at any period without a scholar whom He inspires and enlightens, so that he [in turn] may instruct and teach her, whereby her conditions may be improved. The cause for this discussion was what I have witnessed [of His bounty]¹⁷ toward me and towards the people [through me]. The fifth [chapter] will offer interpretations of the principles of the precepts [of the Torah] and of the prophecies. I have placed these interpretations in this book side by side¹⁸ in order that the reader may [more readily] understand them. The cause for this was that [I saw]¹⁹ the urgent need of the nation for an exposition of this kind. The sixth chapter will tell of the injury and injustice and the designs upon my life that I had sustained on the part of people named therein; how I had invoked God and prayed for His help. The purpose of my stating this is that every man of probity should take example therefrom, when he is subjected to harm and injury by the wicked, so that he may remain hopeful and invoke [God], and not lose heart and hasten to join them and agree with them. The seventh chapter will present what was said [in Scripture]²⁰ by way

¹⁶ The text offers here (l. 14) **וואלסכב**, which is a scribal error for **וואלסאב**.

¹⁷ The words in brackets are added on the basis of Harkavy's text; see the variant to the passage. Saadia has here in mind God's bounty toward him in granting him wisdom, which enabled him to write so many books by which the nation, too, was benefited.

¹⁸ As the portion of the book referred to is lost, it is not quite clear what is meant here; comp. Harkavy, 160, n. 1.

¹⁹ So in Harkavy's text, p. 155, l. 8.

²⁰ That he refers to the Scriptures is evident from the passage following later, in which he resumes the enumeration of the seven special chapters in an inverted order, beginning with the seventh. In each instance, so also in the seventh, which forms the end of our fragment, he quotes verses from the

of description and exemplification concerning all those that are wicked. This presentation was necessary because it will serve as a deterrent to everyone who might perhaps seek wickedness like them, that he desist therefrom; nay, it will serve as such even to the wicked themselves²¹ that they may take warning and repent. This is the exposition of the seven special chapters. As to the three general points—they embrace the whole book.²² In the first place it intends to teach the nation the correct usage of the Hebrew language. For I saw that since the Arabic and the Nabatean languages have become predominant, particularly the inferior one of the two, they caused the people to forget its eloquent language and elegant expression. In the second place it purports to teach the nation the composition of speech and [how to avoid] obscurities therein. For I have made this [work] to be like a light unto the people, which they should follow and by which they shall be stirred up to a proper disposition of their discourses and of the thoughts contained therein. In the third place it is to teach the nation the proper connection of sentences, as no discourse can be fully

Bible to prove his point. Harkavy, who, as pointed out by Bacher, *REJ.*, XXIV, 314, misunderstood the entire portion in which S. announces the ten points or subjects of his book, naturally could not make out the sense of this passage, and hence his remarks on p. 154, n. 8-9.

²¹ The MS. (l. 12) has בָּרַךְ, which gives no sense. It is doubtless a mistake for בָּרַךְ, which is also the reading of Harkavy. The pronoun הֵם after לָהֶם is not superfluous, as Harkavy thinks, but serves as emphasis: "to them (the wicked) themselves."

²² Saadia means to say that he did not assign special paragraphs to the treatment of the three points which he calls general, for as their object is to teach correctness of expression, proper construction, and logical connection of sentences, no such treatment was necessary. His whole book, which complies with these three demands, will serve as a model to the reader, or, as Saadia expresses himself in the following, as a light to guide him in his compositions.

intelligible unless by interdependence of sentences, which holds together the parts of the speech. It is thus that the sense becomes clear, otherwise it is vitiated and diverted. I have elucidated these three points also in the "Book on Hebrew Poetry."²³ I have expressed therein my sorrow over the nation's neglect of the language and made clear the benefits of proper order and connection.²⁴ Much of this matter I have, likewise, explained in the "Twelve Parts" [of a book],²⁵ which I have composed for the purpose of elucidating the grammar of the Hebrew language. When the nation reads this book and when its youth will study it, it will derive therefrom these ten²⁶ benefits: it will acquire

²³ This is the book known under the title "Agron," Saadia's first literary production, of which again only parts of the Arabic and Hebrew introduction were preserved in the Genizah and published by Harkavy, *l. c.*, 41-57; comp. Bacher, *REJ.*, XXIV, 307 f.

²⁴ The passage to which he refers here occurs in the portion preserved; see Harkavy, 54 f.; comp. also p. 45, and Bacher, *Die Anfänge der hebräischen Grammatik*, Leipzig 1895, p. 60.

²⁵ This Book is often quoted by Saadia under the title *כתב אללגה* "Books on the Language." It was *one* book in twelve parts, which he sometimes designates as separate books. In our passage he more properly refers to them as parts. Of this work nothing has come to us, but various particulars about it found in Saadia's other works, as well as in those of later authors, made it possible for Professor Bacher to give a full description of its original plan and arrangement, as well as of its content; comp. Bacher, *REJ.*, XXIV, 310 f., and especially *Anfänge*, 38-60.

²⁶ Harkavy's text, followed by Bacher, *REJ.*, XXIV, 315, top, has *אלג*, "the three," which refers only to the three general purposes of the book. Our text offers, however, the correct reading, for, as pointed out before (note 20), Saadia here again takes up the enumeration of the ten points, which he desires to bring out in the present work, briefly summarizing the three general objects, to which he finds allusions in the verses from Isaiah and Job, and then giving in inverted order the seven special topics (beginning with *ואעתכרת*, l. 15). This reading is supported by a later passage (Harkavy, 161 ll. 12-14), where, upon having recapitulated all points, he says: *וְאֵלֶּךָ קָדַם*

.. עֲדַרְתָּ הִדָּה אֵלַי אֲנוּבָב וְכִשְׁפַּת עֵץ מִנְאֲפֵחָהּ מִן אֲכָרְהָ אֵלַי אֲוִלְהָּ . . .
 as I have recounted the *ten* points and shown their usefulness from the last

elegance in the use of the language, a correct method of disposition, and the proper connection. Thus will be fulfilled the words of Isaiah:²⁷ The heart also of the rash shall understand knowledge and the tongue of the stammerers shall be ready to speak plainly; as said also Elihu:²⁸ My words shall utter the uprightness of my heart and that which my lips know they shall speak sincerely. The nation will further derive a lesson from what was said therein regarding the wicked and what was recorded concerning them for future generations, so that it desist from acting like them, as David said:²⁹ So they shall be made to stumble, their own tongue being against them, etc. and all men shall fear,³⁰ etc. Job also said:³¹ Upright men shall be astonished at this, and the innocent shall stir up himself against the godless.

of them back to the first" and so forth. It may be observed that in counting backward he placed the fifth point (Harkavy, 155, l. 6-9), either by mistake or for some reason, between the third and the second points (Harkavy, 159, l. 20-23).

²⁷ Isaiah 32, 4.

²⁸ Job 33, 3.

²⁹ Ps., 64, 9.

³⁰ *Ib.*, 64, 10.

³¹ Job 17, 8.

(Leaf I recto)

- 1 ושמעון ויוחנן ויונתן ואלעזר בני מתתיה כתאבא
 2 פי מא מר בהם ישבה כתאב דניאל בלגה אלכסדאניין.
 3 ופי עצרנא הדא אף אהל אלקירואן כתאבא
 4 עבראניא פי מא נאלהם מן אלשגורי אלנצראני מפסקא
 5 פואסיקא מטעמא בטעמין. וכמא אלפת ואנא
 6 באלעראק כתאבא עבראניא ען ראי מן כאן באלחטרף
 7 רייסא פי מא ורד עלי אלומה מן כטא בן מאיר
 8 באלשאם פי תרתיב אלאעיארד מקטעא פואסיקא
 9 מטעמא בטעמין. וכדלך אלפת כתאבא פי מא
 10 לקיתה מן קום מן אהלה מן אלמחן ואלגהד עבר[א]ניא
 11 מפסקא פואסיקא מסמנא מטעמא ליכון אסהל לקראתה
 12 ואמכן לחפטה. ואנראין הדא אלכתאב עשרה
 13 כל ואחד מנהא תנתפע בה אלומה נפעא ביינא
 14 פמנהא סבעה תבין מוצעא מוצעא מנה ואלתלאתה
 15 אלאוכר (sic) שאיעה פי נמיעה. וינבני אן אדכר
 16 עיונהא ואלסבב אלדי דעא אלי אתבאת כל ואחד
 17 מנהא ואקול[אן] אלאול מנהא צפה אלחכמה וכיף
 18 וגדאנהא ופצאיל מחביהא ונקאיין באנציהא וכאן

| מפסקא | אלשגורי for שעדי | H | נאלהם for להם | H | אלפי | H (arkavy) | 3
 | 5 H | ממעם | 6 ט in the last word of the line stands for צ, which is in H |
 | 7 רייסא missing in H, but suppllied by him conjecturally, so in several
 instances marked in the following as missing in H | 8 First three words
 missing in H, who conjectures בכתאב; והו אלמסמי בכתאב; see note 9 | H |
 | אעיארד | H | 9
 | 9 H | כדלך | 13 Here as in line 7 אלומה with ל as *mater lectionis*, but then
 crossed out and *dagesh* added in the following מ | H | בינא; see note on תבין
 in next line | 14 סבעה is margin; text ז | For תבין H reads תלך | The
 doubling of the *yod* is to indicate consonantal reading | 17 The words אן
 ואקול are omitted by H, but they fell out only through homoiotel-
 euton (מנהא), and in fact, the first three words are found also on the
 margin of MS. H from which אן, missing in our MS., is supplied; see H's
 note *ad locum* | 18 וגדאנהא | H

1	אלסבב פי אתבאת דלך לאן אלאיך אלנאס אנמא
2	עאדוני לשנאתהם ללחכמה וקצדהם אלא יכון פי
3	מא בין אלאומה (sic) עלם ולא עדל . ואלבאב אלב
4	תאריך אלסניז כם אקאמת אלנבוה פי מא בין אומתנא (sic)
5	פביינת אנהא אלף סנה וואלי כם סנה אסתתם גמיע
6	אלמישנה פערפת אנה אלי כמס מאיה סנה בער דלך וואלי כם
7	אסתכמל אלתלמוד ואן אלגמיע לס יז[א]לא מנקולין אלי
8	וקת אתבאתהא . ואלסבב אלדי דעא אלי דלך אני
9	וגדת אלמתסמין באסמא ארבונין אלזאן לא יקפון עלי
10	דלך ולא יסירון בסירה אלאואיל אלדי יעישון פי
11	פיהם ומן מעאיששהם ירתזקון . ואלבאב אלתאלת
12	תעריף מא יחדת פי אלבלאר אדא טלב אלנאסאן
13	אלנאיר אלתרוס עליה ואלסבב אלדי דעא אלי דלך אמור
14	דאוד בן זכאי ומא גרי עליה . ואלבאב ארדאבע
15	תעריף אן אללה לא יכלי אמתה מן תלמיד פי כל
16	עצר יעלמה ויבצרה חתי יפתיחה ויעלמהא ותנצלה
17	בה אחואלהא ואלסבב פי דלך מא שאהדתה פי
18	נפסי עלי ועליהא . ואלכאמס שרות עיון מן

1-2 H אֵלֶּנְאָס עֲנֵדְרוּנִי | 4 אָן אֹלֵאִיךְ אֵלֶּנְאָס עֲנֵדְרוּנִי | 5 For missing in H | 6 כִּמְס מֵאִדֶּה | 7 תְּבִינָה see preceding page line 14, note on תְּבִינָה | 8 חֲסִיָּה and H | 9 חֲסִיָּה missing in H | 10 H correctly אֶלְדִּין | 11 The last two letters of זִכְרִי and following three words are missing in H | MS. וְאֶלְסֶבֶר וְאֶלְסֶבֶר see note 16 | 16 H יִפְתִּי [הָא] | 17 פִּי missing in H | 18 In H נִפְסִי is followed by מִן | 19 וְאֶלְסֶבֶר אֶלְסֶבֶר | 20 H מִן missing in H. | 21 מִמָּא תַפְעַל בָּהּ see note 17 |

(Leaf 2 recto)

- 1 אלמצות ואלעתידות אורדתהא הדא אלכתאב בוצלח
- 2 יקה עליהא מן יקראה ואלסבב פי דלך אן [ראית] שרה חאנה
- 3 אלאמה אלי מתלהא . ואלבאב אלסאדס חכאיה
- 4 מא גרי עלי מן אלקום אלמסמאין (sic) פיה מן אלאדא ואלתעדי
- 5 וטלב אלנפס ומא כונת (sic) אדעו אלי אלהא ואסתגית אליה .
- 6 ואלסבב פי אתבאתי דלך לימתלהא כל צאחב
- 7 חק ירד עליה אדא ונהד מן אלטאלמין פיצבר וידעו ולא
- 8 יצנר פיסארע אלי מכאלטתהם ומואפקתהם . ואלבאב
- 9 אלסאבע מא קיל מן אלוזף ואלאמתאל פי כל ואחד מן
- 10 האולי אלטאלמין אונב אתבאת דלך כונה רדעה לכל
- 11 מן עסאה אן יקצר אלטלם מתלהם פלא יפעל בל כונה
- 12 כדלך להם הם אנפסהם לעלהם אן ירתדעון פיתובון
- 13 פהדה שרוח אלו' אבואב אלכאצה . ואמא אלחל[א]ת
- 14 אבואב אלעאמה פהי שאמלה לגמיע אלכתאב אלאול
- 15 מנהא תעלים אלאמה פציה כלאם אלעבראני לאני ראית[הא]
- 16 מד נלבת עליהא אללנה אלערביה ואלנבטיה בל אלדני מנהמא
- 17 אנסוהא לגתהא אלפציהה וכלאמהא אלבריע .
- 18 ואלתאני תעלים אלאמה תאליף אלכלאם וגבסה

1 19 see note, missing in our MS., *ראית* 2
 4 H | *אלאדי* ! 5 H | *בה* 7 H | *אליה* 7 H | *יגהר* H 12 MS. ! *בדלך* ;
 see note 21 | H correctly *ירתדעו* in the subjunctive | 13 In H *עיון* is added
 after *שרוח* | 15 H | *אלכלאם* 16 H | *מוד* for *מנר* H 16 | missing in H | *אללנה* |
 15 H | *אלכלאם* and *אנ* of the following word missing in H, for which he conjectures
וגמעה H 18 | *כלאיה* לסבב תנ

אֲדָנִי נִעְלָתָהּ הָיָא כְּאַלְסְרָאגְ יַחְדָּן חֲדוּהָ וּיְתַנְבְּהוּן בַּח עָלֵי
נְטָאם כְּטַאבְהֶם וּמַעֲנִיָּהֶם . וְאַלְתָּאֲלֵת תְּעִלִּימָהּ
אַלְעִמָּאת אֲדָנִי כֵּן כֵּן כֵּלָּאם לֹא תַכְמֹל מַעֲרַפְתָּהּ אֲלֵא
בְּצִמָּאת מִגְמַעָה פִּי אֶלְקוֹל בְּעֵין אֲלִי בְּעֵין חֲתִי תִצֵּל בְּדִלְךָ
אַלְמַעֲאִנִי וְאַלֵּא פִסְדָת וּתְגִיירָת וּכְמֹא שְׂרַחַת הָיָא אֲלֵנִי
מַעֲאִנִי פִּי כְּתַאב אֲלִישַׁעֲר אֲלַעֲבְרָאִנִי . פְּתוֹלַעַת פִּיהָ
לְנִסְיָאן אֲלֵאמָה אֲלֵלְנָהּ וּבִינִית פִּיהָ מִנֶּאֱפַע אֲלֵנְטָאם
וְאַלְעִמָּאת . וּכְמֹא שְׂרַחַת כְּתִירָא מִן דְּלֵךְ אִינֵא
פִּי אֲלִיבְ אֲלֵנוּ אֲלֵתִי אֲלַפְתָּהּ לְתַצְחִיחַ אַעֲרַב לְנָה
אַלְעִבְרָאִנִיין פֶּאֲדָא קִרְאת אֲלֵאמָה הָיָא אֲלַכְתָּאב
וּתְעִלְמָה שְׂבַאכָהּ אַנְתַּפַּעַת בְּהָדָה אֲלִי מִנֶּאֱפַע
תַּפְצַחַת פִּי אֲלֵלְנָהּ וּנְטָאמָהּ וּצִמָּאתָהּ וּכֵּן פִּי
דְּלֵךְ כֵּן יִשְׁעִיהוּ וְלִבָּב נִמְהָרִים יִבִּין לְדַעַת וְלִשּׁוֹן
עֵלְ[אִינִים] תַּמְ[הָר] לְד[בַר] צַחְ[וֹת] וּכֵן אֲלִיהוּא יוֹשֵׁר לְבִי
שְׂפָתִי בְּרוּר מִלֵּל . וְאַעֲתִּבְרַת מִמָּא דְּכִרּוּ אֲלֵטָאֲלִמִּין
בַּח וְדוֹן פִּיהֶם לְאַנְיָאֵל וְאַנְתַּחַת עֵן פַּעַל מִתְּלַחֵם וּכֵן
דוּיֵד וּיְכִשְׁלִיחוּ עֲלֵימוּ לְשׁוֹנָם וְג' וְיִירָאוּ כֵּל אָדָם וְג'
וּקְאֵל אִיּוֹב יִשְׁמוּ יִשְׂרָאֵל עַל זֹאת וְנָקִי עַל חֲנָפָה יִתְעוֹרֵר .

1 | תגמעה H | אר¹ missing in H, for which אלאנטימה is conjectured | 4
5-7 | אלזו H | 9 | וביינת and וחגיירת see leaf 1 recto, note on line 14 | 11
H | חתלמוה H | אל' for אל'; see note 26 | אלמנאפע H | דכר H | 15
ק' H | 16

II

THE DOCUMENTS ON THE BEN MEIR CONTROVERSY

Altogether there exist at present twelve documents relating to the controversy of the Babylonian authorities, preeminently Saadia, on the one side and Ben Meir on the other. All of these documents are more or less fragmentary. Some were patched together from separate leaves, partly doublets, found in different libraries, whither they had been brought from the Genizah, then published and republished sporadically by various scholars in several periodicals and separate editions, often with French or English translations and annotations, all within the last twenty years.

There is much uncertainty as to the chronological order or even the identity of these documents. This is due to their mutilated condition, as the beginnings and the ends, where the dates and the names of the authors are to be expected, have suffered most or are missing altogether. So much, however, seems certain, that all but one (No. 12, perhaps also No. 10) originated during the years 921-22 of the common era. In the following I try to give a brief description of each document and to arrange them in their approximate chronological order, using in particular the texts published in Bornstein's *מחלקת רב סעריה נאון ובן מאיר*, Warsaw 1904, pp. 45-102.

1. A letter of the Babylonian authorities, including Saadia, addressed to Ben Meir at the beginning of the quarrel, subsequent to Saadia's return from Aleppo to Bagdad shortly before the high Holidays of the year 4682 (= 921). If it is true that Ben Meir issued his first proclamation on the Mount of Olives on Hosha'na Rabbah

of that year, as is claimed by Epstein, *Ha-Goren*, V, 137, we might assume that this proclamation was the cause of the letter under consideration and that it was written as soon the news of Ben Meir's procedure reached Babylon. However, Epstein's assumption is subject to doubt, as such a proclamation by Ben Meir is not clearly stated in the sources and the various passages that come into consideration can also be referred to the proclamation by one of Ben Meir's sons, which took place about three months later. Moreover, to judge from the highly respectful and friendly tone in which the writers of this letter address themselves to their opponent, especially when compared with the style of their subsequent letters to him, it is hard to believe that Ben Meir had already taken his first decisive step by officially proclaiming his reforms. I am therefore of the opinion that if there was such a proclamation on Hosha'na Rabbah, as appears from the phrase הכרזת הר הויתים (Bornstein, 91, bottom, 92, top) this letter was written prior to that event after the first meeting Saadia had with the authorities upon his return to Bagdad. This finds some support in a passage of Saadia's second letter to his pupils in Egypt, where he says: ושבתי אני וירדתי בנדר והייתי סבור כי קבל ער אשר באה השמועה בבגדד כי הכרזום חסרין (Bornstein, 62, l. 30; comp. 93, l. 15) is in favor of Epstein's view, though it is not impossible that the writers had in mind the proclamation of Ben Meir's son. At any rate the letter in question was written before the month of *Tebet* 4682, when the proclamation of the son took place, and is therefore the *first* and not, as

Epstein (*ib.*, p. 140) thinks, the *third* letter of the Babylonian Geonim to Ben Meir; comp. S. Eppenstein, *MGWJ.*, 1910, p. 456, n. 3.

The letter of which beginning and end are missing was first published by Schechter in the *JQR.*, XIV, 52, and in *Saadyana*, 16-19, later reprinted by Bornstein in the Memorial volume for Sokolow (ספר היוכל, p. 87 ff.) and in the separate edition, Warsaw 1904, p. 73-77. In the following I shall quote only from the separate edition.

2. The conclusion of a letter by the Babylonians addressed to Ben Meir, dated Tebet 1233 of the Selucidan era (= 4682 Jewish era). The fragment counts but 10 lines and contains only blessings and good wishes for the Palestinians. Eppenstein, *l. c.*, suggests that it might be the end of the preceding number. Whatever the case may be, this fragment, too, on account of its conciliatory tone, must be assigned to the time preceding the proclamation by the son of Ben Meir within the same month. It was first printed by Harkavy, *Zikkaron*, V, 213, then with variations by M. Friedlaender, *JQR.*, V, 197, by Epstein, *REJ.*, XLII (1901), 179, and by Bornstein, 45; comp. Epstein, *Ha-Goren*, V, 137, note 1. According to him it is the conclusion of the first letter of the Geonim, which he considers lost, but, as we have seen above (No. 1), without ground.

3. The reply of Ben Meir to the first letter of the Geonim, written after the proclamation of his son, to which he refers (Bornstein, 51, line 10), thus either in the latter part of Tebet or in Shebat 4682. It was published first by Harkavy, *Zikkaron*, V, 213-220 from a MS. counting 6 leaves (copied for him by Neubauer) and two additional leaves which he found in the library of St. Petersburg. M. Friedlaender reedited the Oxford MS. with

various omissions and corrections in the *JQR.*, V, 197 ff. Later two more pages, partly corresponding with the text of Harkavy and partly completing it, were brought to Cambridge by Schechter. One of these was published by Israel Lévi, *REJ.*, XL, (1900), 262, the other by Schechter, *JQR.*, XIV (1901), 42, and in Saadyana (1903), 15. All these finds notwithstanding the letter is still incomplete, a fact overlooked by Eppenstein, *l. c.*, p. 453. In 1901 A. Epstein reedited the whole text (with the exception of the portion published by Schechter) with an elaborate introduction and copious notes in the *REJ.*, XLII, 180-87. He also added a French translation of nearly the whole text (*ib.*, p. 187-91). Finally H. J. Bornstein, using all the material collected by his predecessors, published the letter in his work on the controversy, p. 45-56, with partly different readings and interpretations.

4. The letter of Saadia to his pupils in Egypt. There is no reference in this letter to a proclamation of either Ben Meir or his son. It has been proved, however, on other grounds that it was written either in Tebet or in Shebat of the year 4682 (beginning of 922 common era), thus coinciding in time with the letter of Ben Meir discussed in the preceding number. The exact date cannot be determined and the letter might perhaps as well be placed before that of Ben Meir. It was first published by Schechter from a MS. of Mayer Sulzberger, *JQR.*, XIV (1901), 59 (*Saadyana*, 24-26), and subsequently by Bornstein, 67-69.

5. Saadia's second letter to his pupils, written two months after his first letter to the same pupils, as he states explicitly therein. It was published by Neubauer, *JQR.*, IX (1897), 37; Harkavy in *Ha-Goren*, II (1900), 98; with

French translation and notes by Epstein, *REJ.*, XLII (1901), 200-203, and finally by Bornstein, 69-71.

6. Ben Meir's second letter in refutation of the view of the Babylonian authorities. From the content of this letter it is evident that things were running against him and that he had suffered some defeat, though he was not yet ready to give in. Contrary to his expectations even some of his former friends celebrated Passover of that year (4682) in accordance with the accepted calendar (comp. the passage in Bornstein, p. 92, line 9: **ואם עשיתם בניסן בשננה** (**אל תעשו בחשרי בדרן**)). Probably this was the case with an overwhelming majority of the congregations. It is therefore safe to assume that the letter was written not long after Passover.

The letter was published by Schechter, *JQR.*, XIV (1901), 56, *Saadyana* (1903), 20-22; Bornstein, 90-93.

7. A fragment disputing the right of the Babylonians to fix the calendar, published by Schechter, *JQR.*, XIV (1902), 249, *Saadyana*, 131; Bornstein, 94. Bornstein, *l. c.*, suggests that this fragment formed a part of Ben Meir's second letter discussed before (No. 6). This is also the opinion of Epstein, *Ha-Goren*, V (1906), 139.

8. A letter against Ben Meir by some unnamed scholar, who, as Bornstein (p. 78; comp. Epstein, *Ha-Goren*, V, 141, n. 2) pointed out, was not a Babylonian. The author, addressing himself to Ben Meir, uses a phrase that occurs in Ben Meir's second letter (the passage quoted above in No. 6), turning the same against him and his followers, thus making it certain that he wrote during the same summer, probably soon after the appearance of Ben Meir's epistle. It consists of three leaves which were found and published at different times, the third leaf by

Israel Lévi, *REJ.*, XLI (1900), 229-32, reedited by Epstein, *REJ.*, XLII (1901), 197-200, the second by Schechter, *JQR.*, XIV (1901), 62-3 (reprinted in *Saadyana*, 1903, p. 26-8), and the first by the same in *Saadyana*, 19. The three parts were then arranged in their consecutive order and reedited with explanatory notes by Bornstein (1904), 78-89.

9. A fragment dealing with the differences between the "Four Gates" of the accepted calendar and those introduced by Ben Meir. There is not the least doubt that Saadia is the author of this fragment, as various phrases and even a whole portion of it agree almost literally with passages occurring in the remnants of the *Sefer ha-Mo'adim*; comp. the phrase in Bornstein, p. 64, line 18 and p. 102, line 3, as also the passages following there on p. 65 and 102, respectively. The question is only as to the chronological place of this fragment within the controversial literature. Bornstein, p. 99, suggests that it may have been part of the *Sefer ha-Mo'adim* or an appendix thereto. Epstein, however, in *Ha-Goren*, V, 140, though recognizing the authorship of Saadia, is of the opinion that it represents a letter of the Babylonian authorities to the Jewish communities. If that be the case we would have to assume that Saadia was charged even with the composition of the official letters of the Geonim, which is not very probable. Besides, the words (p. 102): לכתוב את הספר הזה להיותו לזכרון: בתוך כל ישראל להודיעם את מעשה בן מאיר הזה מתחלה ועד סוף do not seem to refer to a letter, but, just as the parallel passage (p. 65), to some memorial volume that was intended for the Jewry in general. To such a ספר זכרון ומגלה Saadia refers also in an Arabic letter published by Hirschfeld, *JQR.*, XVI (1904), 296, fol. 2 verso, line 4-5, and it is therefore probable that we have here a fragment

of that memorial volume. This is suggested also by Eppenstein (*MGHJ.*, 1910, p. 458, n. 3), but he overlooks the authorship of Saadia. There is only this difficulty that in the letter referred to Saadia speaks of the book as having been written by the exilarch, while, as pointed out before, the fragment indicates Saadia as the author. We may assume, however, in this instance, that Saadia wrote the book by request of the exilarch and in his name, so as to give it more weight and authority, and, therefore, in referring to it had to designate it as the work of the exilarch. After all, it was not a question who was the writer of a document, but what purpose it was intended to serve. The description Saadia gives there of the ספר זכרון, as dealing with the Four Gates contrived by Ben Meir, tallies very well with the content of our fragment. I am therefore of the opinion, that the *Sefer Zikkaron* mentioned by Saadia in one of the fragments of the *Sefer ha-Mo'adim* (Bornstein, 65) is not another name for the *Sefer ha-Mo'adim* itself, as has been hitherto accepted (Epstein, *Ha-Goren*, V, 140, Eppenstein, *MGWJ.*, 1910, p. 457), but is the name of another book, of which our fragment formed a part. Moreover, it was not the *Sefer ha-Mo'adim*, which was to be read in public on the twentieth of Elul, as generally assumed, but the *Sefer Zikkaron* mentioned therein. There is no basis for the assumption that the *Sefer Zikkaron* is identical with the *Sefer ha-Mo'adim*, nor that the latter was intended for public recitation. Judging from the style of the extant fragments of the *Sefer ha-Mo'adim* it would, indeed, seem very strange, that such a book should have been destined to be read in public, as it could hardly serve the purpose. The passages on which this view was based, were simply misunderstood because of the erroneous identi-

fication of the two books. It should be noticed that in the fragments of the *Sefer ha-Mo'adim* (Bornstein, p. 65) Saadia reports that it was decided to write *a* *Sefer Zikkaron* for future generations (נכתוב ספר זכרון לדורותינו אחרינו), which agrees with ספר זכרון ומנלה לדורות in the letter published by Hirschfeld, while in the fragment of the *Sefer Zikkaron* (Bornstein, p. 102) he says that it was decided to write *this* book as a memorandum for all Israel (לכתוב את הספר הזה להיותו לזכרון בתוך כל ישראל). This distinction between the two books relieves us also of the difficulty that Saadia should have repeated his report in nearly the same words in one and the same book. The *Sefer Zikkaron* was written first, at the request of the exilarch, when all other efforts against Ben Meir had failed, and was finished before Elul 4682, while the *Sefer ha-Mo'adim*, which mentions the former, may have been written at any subsequent time, but probably soon afterwards. As Saadia informs us in his הנהלי (see above, p. 496, l. 6) he wrote the *Sefer ha-Mo'adim* also by request of the exilarch.

The fragment of the *Sefer Zikkaron* was published by Schechter, - *JQR.*, XIV (1902), 498-500 (*Saadyana*, 128-30), and by Bornstein, 99-102.

10. Three fragments of Saadia's *Sefer ha-Mo'adim*, written probably when the struggle, as far as we know it, was over, 4682-83; see above No. 9. One of the fragments (counted by Bornstein as No. II) was published with a French translation by Elkan N. Adler and J. Broyde, *REJ.*, XLI (1900), 224-29, later retranslated and reedited with additional notes by A. Epstein, *REJ.*, XLII (1901), 191-97. Subsequently the fragment was completed by two leaves discovered by Schechter, which partly overlap one another as well as the text previously published. The two additional

leaves were published by Schechter, *JQR.*, XIV (1901), 49-52 (reprinted in *Saadyana*, 10-13).

Fragment No. I was published by Schechter, *JQR.*, XIV, 47-8 (*Saadyana*, 8-9), and fragment No. III by the same, *ib.*, p. 52 (*Saadyana*, 13-14). The whole was later reedited by Bornstein, 58-67. For another fragment of the *Sefer ha-Mo'adim*, in which, however, the controversy is not explicitly mentioned, see Harkavy, *Zikkaron*, V, 220; comp. Hirschfeld, *JQR.*, XVI, 291, n. 1.

11. An Arabic letter of Saadia to three Rabbis in Egypt in answer to their inquiries regarding the calculations of Ben Meir, which they had accepted by mistake, celebrating the festivals accordingly. Saadia enlightened them on the situation and admonished them to read for themselves and to others the Letter of Reproof and Warning (כתאב תוכחה ואזהרה) of the Head of the Academy, copies of which he sent them together with those of the *Sefer Zikkaron* of the exilarch (see above No. 9). This interesting letter is dated "Friday, the 11th of Tebet." The year is not given, but no doubt it is 4683. The letter was published with an English translation by Hirschfeld, *JQR.*, XVI (1904), 290-97; comp. D. Yellin's *Notes* thereon, *ib.*, p. 772-75.

12. A list of the differences between the respective calculations of Saadia and Ben Meir regarding the appointment of the festivals during the years 4682-84. According to Epstein (*Ha-Goren*, V, 141) the author of this list lived in Egypt after the death of Saadia, for he adds the eulogy זכרנו לברכה to Saadia's name. He also speaks of Saadia as "the Gaon" and "the Head of the Academy," which, as we know, he was only several years after the quarrel. The list was published first by Schechter, *JQR.*, XIV (1901), 59 (*Saadyana*, 22-3), later reedited with a French transla-

tion by Epstein, *REJ.*, XLIV (1902), 235 f., and finally by Bornstein, p. 95.

Of recent articles on the controversy I wish to point out in particular that of Poznański, *Ben Meir and the Origin of the Jewish Calendar*, *JQR.*, X (1897), 152-60, as well as the elaborate essays of Epstein (*REJ.*, XLII, 173-210, XLIV, 230-36, *Ha-Goren*, V, 118-42), and Bornstein, referred to repeatedly above.

The account here given of the chronological order and identity of the documents on the Ben Meir controversy differs essentially in several points from that of the various authors mentioned, but upon a careful examination of the sources the reader will find this presentation justified.

A DISPUTATION IN AN ITALIAN NOVEL.

BY MAX RADIN, Newtown High School, New York.

IN connection with President Schechter's article on the Khazars (*JQR.*, New Series, III, 181ff.) the following account of a disputation may have at least the interest of a *curiositas litteraria*.

Jerome Morlini, a Neapolitan jurist, published on April 8, 1520, a collection of Novels in Latin. These do not differ from the many similar collections in Italian and French, except that they are rather less witty and, if anything, more obscene. The style, too, is a curious conglomeration of phrases, a piling of solecism upon euphuism, and the extraordinary book is further disfigured by extremely careless printing.

These vices of substance and form did not, however, prevent the book from becoming a much-coveted prize for bibliophiles as early as the eighteenth century. Finally, in 1799, a certain Pierre Simon Caron prepared a second edition at Paris, which purposed to be an exact reproduction of the first, but which, by gratuitous blunders in reading, succeeded in being much worse.

A very few years later, one E. T. Simon, of Troyes, conceived the plan of a third edition. He intended to revise the text thoroughly, and to add to the eighty-one novels, the fables and the comedy already published, an appendix consisting of 19 new novels. One of these had

already been published in the *Notizia de' Novellieri Italiani* (Bassano 1794) by Count Borromeo, who found it ascribed to Morlini. The other eighteen he claimed to have discovered in a MS. where they were attributed to the Neapolitan jurist.

Simon died before he could carry out his project. His MS. passed into several hands and was finally (1853) purchased by the Municipal Library of Troyes.

In 1855 Morlini was edited for the third time in the *Bibliothèque Elzevierienne* published by P. Jannet. This third edition is the first one that is properly printed. The text has been freed from its obvious errata and all the abbreviated words are printed in full. The editor is very short with Simon's eighteen novels, which he pronounces clumsy forgeries. The decision, to be sure, is based on differences of style, at best a slippery criterion. But whether they are genuine or not, a real service was done in publishing the complete collection, since otherwise the eighteen novels of Simon would have remained inaccessible.

As to the character of the original novels, little need be said. The themes are those that meet us in all the *Novellieri*—witty retorts, buffooneries, and the inexhaustible *astuzia delle donne*. Morlini, it may be noted, exercised considerable influence upon later writers, who often imitated and translated him.

The novels of the Appendix are, in the main, of the same type. Two, however, vi and xiii, are peculiar. They contain miracles of the Virgin and xiii is especially noteworthy for the fact that in it a Jew suffers both contumely and a beating for his blasphemy. Indeed the novel is an attempt to explain the custom said to exist in Santa Maria Oculatrice near Venosa in the province of Basilicata.

by which any Jew found in the village on Assumption Day (August 15) received a sound beating.¹

In view of the above, the last novel entitled, *De Judæo Christiano Mahumeditano et rege*, is particularly remarkable. Summarized it runs as follows.

Three travelers once set out from Tripoli for the Mountains of the Moon, situated at the sources of the Nile. After countless hardships they reached a beautiful region called Oasis. Immediately upon their arrival they were surrounded by a gaping crowd shouting words in an unintelligible tongue. Armed men finally took them in charge and brought them to the King of the country. The latter, wholly unable to understand them, ordered them to be kept, at public expense, for the present.

Meanwhile a royal attendant bethought himself of a resident of Oasis who had come there many years ago, apparently from the same direction as the travelers. This man was immediately summoned and ordered to find out who the strangers were.

Now this man happened to be a Moor from Tunis. After speaking with the travelers, he promptly discovered that they were all three from Tripoli, but that they were of different religions, being a Christian, a Jew and a Mohammedan respectively. The Moor was himself a Mohammedan by birth, but had long lapsed into the idolatry of the other inhabitants of Oasis. Secretly, however, he still favored his old belief and bitterly hated both Jews and Christians. When, therefore, he reported the results of his investigation to the King, he wickedly asserted that the new-comers were dangerous to the state because of

¹ The custom is somewhat like that recorded for Lyon in the fourteenth century.—*Jewish Encyclopedia*, VIII. 239b.

their widely-differing religions. Thereupon the King ordered the travelers to learn the Oasitan language as soon as possible, and commanded his attendants to see to their maintenance.

The travelers obeyed. Instructed by the Moor, they soon succeeded in mastering the language, although they would vastly have preferred to pursue their journey.

When the King thought that they had learned enough for his purpose, he summoned the frightened travelers to him. He conversed with them on frequent occasions and quickly discovered the dogmas of their respective religions and the differences, disagreements, and mutual hatred that reigned in the breasts of all three. Convinced that they never could agree and would make bad citizens of any State or government whatever, he nevertheless decided to try to overcome such obstinacy. He, therefore, called them together and summoned the executioner. Then he ordered every one of them at once, under pain of immediate death, to adopt the religion of one of the other two, and to give in the presence of one another and of the court, the reasons that guided him in his choice.

The Christian spoke first. "Since it is a matter of life and death," he said, "and since the Jewish faith is older than my own and consequently than the Mohammedan, and since the whole Christian religion is derived from the Holy Scriptures handed down by Moses and the ancient prophets, I have no hesitation in adopting the laws of the Jews."

The Mohammedan, calling both Jews and Christians dogs, and reviling them bitterly, declared, nevertheless, that he held the same opinion. He announced that he preferred to be a follower of Moses than of Christ, the God

born of a virgin, and that he held his own life dearer than the Alcoran, because the Bible was older than the latter.

Then the devotee of Moses arose and thus addressed the prince:

"My fate hangs on your nod. Nevertheless, most noble judge, you see the great veneration these men have for my law. Both religions are daughters of Moses, the Prophet. But the father is greater than the daughters. I cannot join the child when the child of its own accord cleaves to my father. It would be both absurd and disloyal on my part. As far as my life is concerned, do whatever seems best to you. I shall continue to adore the God who is the Judge and Sovereign even over you."

Moved by these words, the King permitted the Jew to retain his faith, dismissed the executioner and distributed many gifts to the travelers. He even permitted them to proceed on their journey if they chose. They preferred, however, to stay there, induced by the delightful climate and the sacred and inviolable blessing of liberty enjoyed by the citizens. They, therefore, pitched their tents there. Soon all the people became converted to Judaism, and the travelers guided King and people in the observance of the holy days, *sub insignibus Synagogæ*.

This story teaches that ancient rites are always to be preferred.

How this story, in which the Jew plays a triumphant part, came into this collection side by side with Novel xiii. above mentioned, is difficult to imagine. The substance—an obvious adaptation of the disputation in Judah Halevi's *Al-Khazari*—could have reached Morlini (if he was the writer) only by oral communication. There were many Spanish Jews and Marannos in Naples after the expulsion

of 1492, and we know that they were effectively protected by the King.²

If, however, the novels are a forgery of very much later date, we have not far to look for its source. In 1660 Buxtorf translated the *Al-Khazari* from Hebrew into Latin. After that time, the story of the disputation was common property and may very easily have been adapted into the form here found. The curious circumstance, however, that such a story should be written by a Christian for a Christian audience remains quite without explanation.

² The novel of *Bandello*, Pt. 1, Nov. 32, addressed to Cardinal Lodovico d'Aragone.—Frate Francesco Spagnuolo volendo cacciar con inganni i Giudei del regno di Napoli e imprigionato.

THE ORIGIN OF LETTERS AND NUMERALS ACCORDING TO THE SEFER YEŞIRAH *

BY PHINEAS MORDELL, Philadelphia

THE TEXT

No Hebrew book has been so tampered with as the Sefer Yeşirah. As early as the tenth century there existed several versions of it, varying in length and in arrangement. There were the short and the long version, which were edited in Mantua in 1562, and Saadya's text, edited by M. Lambert, in Paris, in 1891. Each of these three texts is different from the others. Although Saadya's version is almost of the same length as Mantua II, it differs materially therefrom in the arrangement of the chapters and the paragraphs, and it thus happens that the matter contained in one chapter in Mantua II may be found scattered through several chapters in Saadya's text; while entire paragraphs in Saadya's text are cut up and distributed among three different chapters in Mantua II. Both Mantua texts agree in a general way with each other in their arrangement, but Mantua II contains twice as much material as Mantua I, the former numbering about 2400 words, the latter only 1200 words.

A critical study leads to the conclusion that these versions contain only about 600 words of the original Sefer

*Continued from *JQR.*, New Series, II, 557 ff. I wish to express here my thanks to Prof. Henry Malter for many courtesies extended to me in connection with this work.

Yeşirah. The remaining 600 words in Mantua I or the 1800 words in Mantua II are all interpolations and not of the original Sefer Yeşirah. All the matter belonging to the original Sefer Yeşirah, I arranged as a separate treatise, which may be referred to as Sefer Yeşirah I. All the interpolations I arranged also as a separate treatise, which may be referred to as Sefer Yeşirah II. Having already explained the Sefer Yeşirah I, it now remains to explain the Sefer Yeşirah II.

Of the Sefer Yeşirah II little need be said; it abounds in trifles, contradictions, and repetitions. Although it was intended as a commentary on Sefer Yeşirah I, its author had no conception whatever of what the original Sefer Yeşirah was. He saw in it only a cosmogony based upon the letters of the alphabet and the Sefirot. According to him, God created the universe with thirty-two wonderful ways of wisdom. These ways are the ten Sefirot and the twenty-two letters. The ten Sefirot are: The Spirit of God, Air, Water, Fire, Height, Depth, East, West, North, and South. From the first emanated the second; from the second the third, from the third the fourth, and the remaining six Sefirot emanated from the six permutations of the letters **הוי**. With the second Sefirah (Air) God created the twenty-two letters, and divided them into three parts, or books (**שלושה ספרים**); three mothers **אמש**; seven double letters **הז חטי לנס עצק**, and twelve simple letters: **בנדר כפרת**. With these three classes, or groups, of letters were created the various parts of the world (**עולם**), of the year (**שנה**), and of the soul (**נפש**).

The author of the Sefer Yeşirah II contradicts himself; he explains that by the three mother letters, **אמש**, which the original Sefer Yeşirah declares to be a "great secret"

(סוד גדול), are meant the letters הוי of the great name יהוה; the mothers thus not being a separate class at all, but part of the simple letters.

As a matter of fact, he himself abandons the division of the letters into three parts, and rearranges them in a two-fold division, one of ten and one of twelve letters. For, finally, he counts the letters אמש with the seven double letters בנר כפרת, as one class. The whole theory of the world, of the year, and of the soul, is expressed by tens and twelves. Indeed he says³⁹ as follows:

עולם ספירתו בעשרה ושנים עשר
 שנה ספירתה בעשרה ושנים עשר
 נפש ספירתה בעשרה ושנים עשר

"The world is counted by ten and twelve. . . .

The year is counted by ten and twelve. . . .

The soul is counted by ten and twelve. . . ."

It therefore follows that, according to the author of the Sefer Yeṣirah II, the twenty-two letters are divided into ten double אמש, בנר כפרת and twelve simple letters, הוי חטי לנס עעק. According to the author of the Sefer Yeṣirah II, however, each double letter represents only one way of wisdom, as each simple letter does. The twenty-two letters, therefore, are according to him, only twenty-two ways of wisdom. The remaining ten ways of wisdom are the ten Sefirot, which he explained to be the Spirit of God, air, water, fire, height, depth, east, west, north, and south. The author of the Sefer Yeṣirah II understood the numeral words אחת⁴⁰ ... שנים ... שלש ... ארבע ... occurring in the original Sefer Yeṣirah, to mean first, second, third, and

³⁹ Mantua II, chap. II, Sefer Yeṣirah II, chap. I.

⁴⁰ See text, §§ 18-21.

fourth. He imagined that the author of the original *Sefer Yeṣirah* had counted only four Sefirot, and had forgotten to count the remaining six Sefirot, and after explaining that the four Sefirot are the Spirit of God, air, water, and fire, he counted height, depth, east, west, north, and south as six Sefirot to complete the number of the ten Sefirot. The truth is that the numerals שלש שתיים אחת ארבע mean, not first, second, third, and fourth; but one, two, three, and four, and these numbers themselves are the ten Sefirot from which all letters of the alphabet (particularly the vowel-letters) originated. The Sefirot, therefore, cannot be counted as ten separate ways of wisdom. The latter view requires that the twenty-two letters shall be taken to be all the thirty-two ways of wisdom, not only twenty-two ways of wisdom as explained by the *Sefer Yeṣirah* II which is followed by all commentators.

Saadya, who was the first to divide the letters into five groups *בומק, גיכק, דטלנת, זסשרץ, אהחע*, believed all the letters to be consonants. He interpolated this division in the *Sefer Yeṣirah* without knowing that by *אמות* the original *Sefer Yeṣirah* meant vowels. The first to perceive that *אמות* meant vowels was Dunash Ibn Tamim,⁴¹ who explained that by the three mother letters *אמש* the *Sefer Yeṣirah* meant the three vowel letters *אוי*. He failed, however, to see that by way of contrast *תולדות* must necessarily mean consonants. Now, he knew that his version of the *Sefer Yeṣirah* contained many mistakes, that ignorant people had blended the original and an early commentary,⁴² and consequently the original text did not exist. Yet he did not perceive the absurdity of the division of the letters into three classes named: three

⁴¹ *Sefer Yeṣirah*, London 1902, p. 45.

⁴² *Ibid.*, p. 65.

mother letters אִמֵּשׁ, seven double letters בְּגֵד כִּפְתָּה, and twelve simple letters. הוּא חֲטִי לָנֶם עֵצֶק. The category 'mothers' (אִמֵּשׁ) is not in any sense coordinate with that of "double letters" and "simple letters," which contrast admirably with each other. Moreover, he failed to perceive that according to the Sefer Yeṣirah, there are ten double letters and not only seven. He is also at variance with all the known versions of the text, which give twelve simple letters, while he, in counting the total number of sounds 29, of which 14 are contained in the seven double letters בְּגֵד כִּפְתָּה, makes the simple letters number 15. Besides it is very hard to understand how Dunash could have counted the letters אוּי as simple letters having one sound, and declare at the same time that originally they were vowels and consequently must have had several sounds: namely י the sounds of *i* and *e*; ו of *u*, *u* and *o*; א of *a* and other vowel sounds, as believed by Qimḥi⁴³ and Ephodi.⁴⁴

Long before I ever saw the Sefer Yeṣirah, I had concluded that the Hebrew alphabet consisted of ten letters with double sounds and twelve letters with simple sounds; thus representing thirty-two sounds. I came to this conclusion in investigating the pronunciation of the vowels, which the reader will find in my *לְתַקֵּן הַנִּקּוּד וְהַקְרִיאָה*, in which I have discussed it at length. The ten double letters are: א, ב, ג, ד, ה, ו, ז, ח, ט, י, and the twelve simple letters are: ק, ל, מ, נ, ס, ע, פ, צ, ר, ש, ת.

I base this division on the assumption that the letters אֵיִי are the original vowels of the Hebrew alphabet, and that the true sounds of these letters were as follows: ע = *a*, א = *e*, ס = *o*, י = *i*, ו = *u*, ו = *u*. Hence the letters

⁴³ Miklol, Fürth 1793, p. 87.

⁴⁴ Maaseh Efod, Wien 1865, p. 35.

אז are also double letters, so that these together with the six letters כפת, the letter ר, and the letter ש were known to be double letters: hence, ten letters with double sounds. After reaching this conclusion, I found that the division of the letters of the Sefer Yeşirah bore a decided similarity to it. In fact, the Sefer Yeşirah gives the same number and the same classification of the single letters; the only difference is that it counts the ו among the simple letters, while I considered the ו as a double letter, and gave instead the מ. Nevertheless, I do not believe, from a grammatical point of view, that the author of the original Sefer Yeşirah could have counted the letter ו as a simple letter instead of the letter מ, and could have counted only seven double letters without including at least the letter ש which is still pronounced as a double letter by a great majority of the Jewish people. Further investigation proved that anciently there were counted ten double letters.

As is well known, some old grammarians, among whom was the author of the *Dikduke ha-Te'amim*, counted the final letters as separate letters, thus making the total number of the letters of the alphabet twenty-seven. They apparently based their calculation upon the saying of the Talmud and Midrash that the letters אמת form respectively the beginning, the middle, and the end of the alphabet,⁴⁵ which can be true only if we count the finals as separate letters and thus make the total number twenty-seven, for otherwise the מ can not be in the middle of the alphabet. Convinced that there are ten double letters and twelve simple letters, I concluded that there must have been a time when the Hebrew alphabet was reckoned thirty-two letters,

⁴⁵ According to Rashi, Job 28, 17, the word אמת occurred in the Sefer Yeşirah. See above in volume ii, p. 568.

without the final letters, and thirty-seven or thirty-nine with the final letters, as follows:

א אבבגגדרהווח טיככך (ך) ל מ מנן ס ע פ פ פ (ף) צ צק ק ר ר ש ש תת

In such an arrangement of the letters, not the ט, but the letter ל is in the middle of the alphabet.

On reaching this conclusion, I sought to find some authority in the ancient literature for placing the ל in the middle of the alphabet. This fact, if established, would prove the correctness of my views on the Hebrew vowel points and their relation to the vowel letters א ו י ע as explained in וחקריא and לתקן הנקוד והקריא and it would also prove that the original Sefer Yeṣirah gave the number of double sound letters as ten, and not seven. To my great delight, I found in the אותיות רבני עקיבא the following: "Why is the letter ל higher than the other letters? Because it is in the middle of the letters." I also found in the Midrash Tadshe⁴⁶ that the letter ל is in the middle of the letters. These passages make it clear that the ancients counted ten double letters, and in their arrangement of the alphabet, they sometimes counted them as twenty. This seemed to justify my reading of the ten double letters א, ב, ג, ד, ה, ו, ז, ח, ט, י, כ, ל, מ, נ, ס, ע, פ, ק, ר, ש, ת, in the original Sefer Yeṣirah, and not seven, and my contention that by the thirty-two ways of wisdom are meant the thirty-two sounds of the Hebrew alphabet, consisting of ten double letters and twelve simple letters.

The commentators not only failed to explain the combinations of the letters as the Sefer Yeṣirah directs them to be made, but they even altered the text, to make it harmonize with their mistaken interpretations. So early an authority as Saadya⁴⁷ mentions

⁴⁶ Epstein, מקדמוניות היהודים, Wien 1887, p. XVIII.

⁴⁷ *Commentaire sur le Sefer Yezira*, Paris 1891, p. 80.

that in all the versions of the Sefer Yeşirah he had seen, the text gave 221 divisions (שערים). He corrected this to read 231 divisions (שערים), and most of the commentators and editors adopted his reading. In Mantua II, chap. II, occurs the reading 241 divisions (שערים). Barzeloni¹⁸ mentions that in some versions there are 222 divisions (שערים), but his own opinion is that the correct reading is 462 divisions (שערים).

AUTHORSHIP

Thus far, it has been impossible to determine the age and authorship of the Sefer Yeşirah. Jewish tradition claims divine origin for it: it was intrusted by the Lord to Adam and afterwards to Abraham. A very interesting passage concerning Abraham and his relation to the Sefer Yeşirah is quoted by J. Barzeloni, in his commentary on the Sefer Yeşirah (p. 268), from an ancient text.

מצינו בנוסחא דראשונים הכי :

וכשנולד אברהם אבינו אמרו מלאכי השרת לפני ה' רבונו של עולם
אהוב יש לך בעולם ותכסה אותו ממנו כלום מיד אמר ה' המכסה
אני מאברהם ונמלך בתורה ואמר לה בתי בואי ונשיאך לאברהם אהובי,
אמרה לפניו לאו עד שיבוא עניו וישא ענוה מיד נמלך ה' בספר
יצירה ואמר בן. ומסרו לאברהם והיה יושב יחיד ומעיין בו ולא היה
יכול להבין בו כלום עד שיצאה בת קול ואמרה לו כלום אתה מבקש
להשוות עצמך אלי אני אחד ובראתי ספר יצירה וחקרתי בו ואתה לא
תוכל להבין בו יחיד קרב לעצמך חבר והביטו בו שנים ותבינו בו מיד
הלך אברהם לשם רבו וישב עמו ג' שנים והביטו וידעו לצור את העולם
ועד עכשיו אין לך אדם שיבין בו יחיד אלא שני חכמים ולא יבינוהו עד
ג' שנים וכשיבינוהו יוכלו לעשות כל מהלכם [מה יחלם?] חפץ
וכשהבין בו אברהם הוסיף חכמה יתירה ולימד כל התורה כולה.

¹⁸ Commentary on the Sefer Yezira, Berlin 1885, p. 209.

"We find in an ancient reading as follows: When Abraham, our father, was born, the angels of ministry said to the Holy One, blessed be He; 'O Lord of the World! Thou hast a beloved one in the world, wilt Thou conceal anything from him?' Directly, the Holy One, blessed be He said: 'Shall I conceal from Abraham?' and consulted the Torah. He said to her: 'My daughter, come and we will marry thee to Abraham My beloved.' She said to him: 'No, not until the meek one comes and takes meekness.' God then consulted the Sefer Yeşirah, which said, 'Yes.' God then handed it over to Abraham, who sat by himself studying it, without being able to understand anything, until a heavenly voice came forth and said: 'Dost thou seek to compare thyself with Me? I am 'One,' I created the Sefer Yeşirah, and studied it. But thou canst not understand it alone. Get thee an associate, and look into it together, you will then understand.' At once, Abraham went to his teacher Shem, and stayed with him three years. They looked into it and they knew how to form the world. From that time to this, there is no man who can understand it alone, there must be two wise men, and they cannot understand it before three years. But when they do understand it, they can do anything their hearts desire. When Abraham understood it, his wisdom increased greatly, and he taught the whole law."

The world which Abraham and his teacher Shem were able to form after three years of study of the Sefer Yeşirah may be understood to mean the world of letters. Indeed, the invention of letters was anciently spoken of as the creation of the universe.

The names of Moses, Ezra, and Rabbi Akiba have also been advanced as the authors of the Sefer Yeşirah. The

attribution of the work to Rabbi Akiba undoubtedly rests on a confusion of titles. The *Sefer Yeşirah* was called by ancient writers *אותיות של אברהם אבינו*, and was confounded with the *Midrash של רבי עקיבא*, which is called by some authors *Sefer Yeşirah*. Thus Gedaliah Ibn Yahya, in his *Shalsholet ha-Kabbalah*, says:

והוא חבר ספר מכילתין וספר יצירה על הקבלה ויש ספר יצירה שחבר אברהם אשר הרמב"ן חבר פירוש גדול ונפלא עליו.

"He composed the *Sefer Mekiltin*, and the *Sefer Yeşirah* on Kabbalah. There is a *Sefer Yeşirah* composed by Abraham, to which Nahmanides made a great and wonderful commentary."

This passage was apparently misunderstood by some later writers, who imagined that Rabbi Akiba was the author of the *Sefer Yeşirah* attributed to Abraham. Hence Isaac de Lates' criticism in the introduction to the *Zohar*:

ועוד מי התיר לרבי עקיבא לכתוב ספר יצירה וקראוהו משנה שהיתה שומה בפיהם בקבלה מאברהם.

"Besides, who permitted Rabbi Akiba to write the *Sefer Yeşirah*? They called it *Mishnah*, and it was handed down to them by oral tradition from Abraham."

Moses Cordovero flatly denies Rabbi Akiba's authorship of the *Sefer Yeşirah*. In the *Pardes Rimmonim* he says:

והנה אתנו ספר יצירה המכונה לאברהם אבינו עליו השלום ויש מכנים אותו לרבי עקיבא ואינה מוסכמת.

"We have a *Sefer Yeşirah* attributed to Abraham. Some ascribe it to Rabbi Akiba, but there is no general agreement."

Modern writers are also divided in their opinions concerning the age of the Sefer Yeṣirah. Some of them believe it to be a production of the first or the second century B. C.; others place it in the Gaonic period, ranging from the seventh to the ninth century of the Christian Era. My personal inclination is to accept the late date (750-931) for that portion of the book which has been referred to as Sefer Yeṣirah II, in the discussion of the text; but there can be no doubt that the part containing the account of the origin of letters, which was explained above, is pre-talmudic, and is referred to in the Talmud in the following passage:

רבא ברא גברא (רש"י ע"י ספר יצירה שלמדו צרופ אותיות של שם)
 ישדריה לקמיה דרבי זירא הוי קא משתעי בהדיה ולא הוה קא מהדר ליה
 א"ל מן חבריא את הדר לעפריד. רב חנינא ורב אושעיה הוו יתבי כל
 מעלי שבתא ועסקי בספר יצירה ומיברי להו עינלא תילתא ואכלי
 ליה.⁴⁹

דבר חנינא ורב אושעיא כל מעלי שבתא הוו עסקי בהלכות
 יצירה ומיברי להו עינלא תילתא ואכלי ליה.⁵⁰

"Rabba created a man (Rashi says, through the Sefer Yeṣirah), and sent him to Rabba Zera who spoke to him, but received no answer. He then said to him, "You are a creature of the learned, return to your dust."

"Rab Ḥanina and Rab Oshaiah sat the entire eve of the sabbath studying the Sefer Yeṣirah and created a three year old calf, and ate it"... "Like the case of Rab Ḥanina and Rab Oshaiah who studied the Hilkot Yeṣirah every Friday, and a three year old calf was created for them, which they ate."

The Sefer Yeṣirah and the Hilkot Yeṣirah mentioned in these passages are undoubtedly our original Sefer

⁴⁹ Sanhedrin 65b.

⁵⁰ *Ibid.*, 67b.

Yeṣirah, from which was borrowed the Baraita beginning with the words of the Sefer Yeṣirah:

תהו זה קו ירוק שמקיף את כל העולם כולו.⁵¹

"Void is a green line that surrounds the whole universe."

This passage must have been a part of the original Sefer Yeṣirah and not a later interpolation, for it tallies with the paragraphs before and after it, so that its omission leaves a gap that no other can fill so satisfactorily.

A. F. Thimus,⁵² who shares the view of Molitor⁵³ and of Meyer,⁵⁴ that the Sefer Yeṣirah was written in the later days of the Babylonian Exile, maintains that the Pythagorean philosophy is an adaptation from the Sefer Yeṣirah. It is quite remarkable that, according to the Hebrew sources, the Sefer Yeṣirah was diligently studied in the sixth century B. C., the period in which Pythagoras lived.

The "ילקוט ראובני" Lemberg 1860, 20a, quotes from a kabbalistic work פליאה, as follows:

ירמיה התחיל לעסוק בספר יצירה, יצאה בת קול ואמרה קנה לך חברה. הלך אצל סירא בנו נתעסקו בספר יצירה בשנים ולבסוף שעשו הכלל והמאמר נברא להם אדם אחד והיה כתוב במצחו אמת והיה סבין בידי אותו הנברא והיה מוחק אות א' של אמת א"ל ירמיהו מאי האי א"ל אמשול לך משל למה"ד לאחד שהיה בונה כמה בתים כמה מדינות כמה מגדלות ולא היה אדם מרגיש באומנתו ולא במלאכתו כלל עד שפיתוהו ב' בני אדם ולימדם סוד אומנתו עד שידעו הכל ע"ד האמת וכשירדו האומנ' וסודו ותכונתו התחילו לקנטרו בדברים עד שנפרשו בחכמתו ונעשים בנאים כמותו מה שהוא היה עושה בדינר הם עושים בג' פשוטים, וכשהרגישו בהם בני אדם הניחו כבודו של זה האומן והולכים כולם אליהם ומכבדין אותם ועוסקים בהם בענין הבנין שהיו צריכי'.

⁵¹ Hagigah 12a.

⁵² *Die Harmonikale Symbolik*, Köln 1876, II, pp. VI, 2, 133, 241.

⁵³ *Philosophie der Geschichte oder die Tradition*, Frankfurt 1827, 63.

⁵⁴ Sefer Yeṣirah, Leipzig 1830, p. III.

"Jeremiah began to study Sefer Yeşirah, when a heavenly voice came forth and said: 'Get thee an associate.' He accordingly went to his son Sira, and they studied the Sefer Yeşirah together. Finally . . . a man was created by them, upon whose forehead was written 'Ēmet' (אמת = truth). The person created had a knife in his hand, and was erasing the letter Aleph of the word Emet. Jeremiah said to him, 'Why do you that?' He answered, 'I will tell you a parable.' This case is similar to that of a man who built many houses, countries, and towers, and no one appreciated his art or his work, until two men induced him to teach them the secret of his art, so that they knew it all thoroughly. When they learned the art, and the man's secret and method, they began to irritate him with their words, and finally left him, taking his science with them and became builders like him. What he did for a *denarius*, they did for three *peshutim*. When people learned of their existence, they all left the original artisan and went to them, honoring them, and negotiating with them in their building enterprises."

This passage, which may also be considered as having been prefixed originally to a copy of the Sefer Yeşirah, not only indicates that Jeremiah and Ben Sira studied the philosophy of the Sefer Yeşirah (or the invention of the alphabet), but also gives a reason why this study should be kept secret.

In his work *Sefer ha-Gematria*, Rabbi Judah he-Ḥasid says:⁵⁵

בן סירה רצה לעסוק בספר יצירה יצאה בת קול ואמרה לא תוכל
עשותו לבדו הלך לו אצל ירמיהו אביו . . . ועסקו בו ולמקצה ג' שנים
נברא להם אדם אחד וכתוב במצחו אמת כמו במצח אדם הראשון אמר

⁵⁵ Quoted by Epstein in *מקדמוניות היהודים*, Wien 1887, p. 122.

להם האחד שבראי... הקב"ה... כשרצה להמית את אדם הראשון מחה אות מאמת ונמצא מת, כל שכן שאני רוצה לעשות כן ולא תבראו עוד אדם שלא יטעו בו העולם כדור אנוש, אמר להם אדם הנברא היפכו צרופ האותיות למפרע ומחקו א' מאמת שבמצחי ומיד נעשה לעפר.

"Ben Sira wanted to study the *Sefer Yeşirah*, when a heavenly voice came out and said: 'Thou canst not do it alone.' So he went to his father Jeremiah ... and they studied it. At the end of three years a man was created by them, on whose forehead was written Emet (אמת = truth), as on the forehead of Adam. Then the one whom they had created said to them: 'God created Adam, and when He wanted to put him to death, he erased a letter from the word Emet and it became Met (מת = dead). So much the more reason is there why I should want to do the same, so that you may not again create a man and the world go astray through him like the generation of Enosh...!' Then the man who had been created said to them: 'Transpose the order of the letters, and erase the Aleph from the word Emet (אמת) in my forehead. Immediately he turned into dust."

Though we cannot regard all these passages quoted as historical documents, we have no right to reject them entirely. A work like the *Sefer Yeşirah* could not have been entirely the product of one person, the one who actually put it into writing. Some of its contents must have been known, to at least a few persons, long before it was written down. It is, therefore, not at all impossible that the prophet Jeremiah and his grandson Ben Sira studied its philosophy.

J. J. L. Barges⁶⁶ quotes from the Paris Cod. 762 the following passage, which occurs also in the Brit. Mus. Cod. 15299:

⁶⁶ ספר תנין, Paris 1866, p. X.

אלו הם ה' ספרים וה' סדרים שנלח בן סירא לעזויאל בנו וליוסף
 נכדו ספר יצירה ספר הגי' [תגני] ספר דקדוק ספר פסיקתא רבתי בתרי
 אפי ספר זרובבל ויש בו ה' פרקים פרק ר' שמעון בן יוחי פרק אבות
 דרב' נתן פל' [פרק] אותיות דר' עקיבא פרק מעשה משכן פרק דרר
 ארץ. ה' סדרים סדר עולם סדר תקופות סדר שעות סדר עבוד סדר
 הלכות וכשנלח כל הרזים האלה רעשו כל צבא מרום ויצאה רוח הקדש
 אמרה מי הוא שנלח סתרי לבני אדם עמד עצמ"ש [בן סירא] ואמר אני
 בזוי בן בזוי אמר לו דיוך מיד יושב יוסף וכתב מפי עצמ"ש [בן סירא]
 אלו הדברים וכתבן ה' ספרים בארץ ספר יצירה וכו'...

"These are the five Sefarim (books) and the five Sedarim (orders) which Ben Sira revealed to his son Uziel, and his grandson Joseph, Sefer Yeṣirah, Sefer Tagin, Sefer Dikduḡ, Sefer Pesikṭa Rabbeti in two forms, Sefer Zerubabel, which contains five chapters: Simeon ben Yoḥai, Abot de rabbi Nathan, Otiot de rabbi Aḳiba, Maase Mishkan, Derek Ereṣ. The five Sedarim are: Seder Olam, Seder Tekufot, Seder Shaot, Seder Ibbur, Seder Halakot, When he revealed all these secrets, all the host of heaven shook, and the holy spirit came out and said: 'Who is it that revealed my secrets to mankind?' [Ben Sira] arose and said: 'I Buzi son of Buzi.' The holy spirit said to him: 'Enough.' Immediately Joseph sat down and wrote down these words at the dictation of עצמ"ש [Ben Sira], and he wrote them in five books on the earth: Sefer Yeṣirah, etc.

Although the greater part of this passage is obviously spurious, attributing, as it does, to Joseph ben Uziel works of well known authors who lived hundred of years later, it may be authentic with regard to the Sefer Yeṣirah, which heads the list. It is not unlikely that originally only the Sefer Yeṣirah had the ascription to Joseph ben Uziel, and as there were several other works in the same volume, some

ignorant copyist attributed them all to him. The original passage may have read as follows:

זה הוא ספר יצירה שגלה בן סירא לעוזיאל בנו וליוסף נכדו
ובשגלה הרז הזה רעשו כל צבא מרום ויצאה רוח הקדש אמרה מי הוא
זה שגלה סתרי לבני אדם עמד עצט"ש ואמר אני בוזי בן בוזי, אמר לו
דייך, מיד ישב יוסף וכתב מפי עצט"ש ספר יצירה.

"This is the Sefer Yeşirah, which Ben Sira revealed to his son Uziel, and his grandson Joseph. When he had revealed this secret, all the host of heaven trembled, and the holy spirit came out and said: "Who is it that has revealed my secret to mankind?" *עצט"ש* arose and said: 'I Buzi son of Buzi.' Then the holy spirit said to him: 'Enough.' Immediately Joseph sat down and wrote down the Sefer Yeşirah at the dictation of *עצט"ש*."

From a passage of a commentary on the Sefer Yeşirah of the thirteenth century, which is still extant in manuscript (Bodleian Library, Codex 1947), we can see that the commentator knew that the Sefer Yeşirah was written by Joseph ben Uziel, for he says:

וזה לשון יוסף בן עוזיאל מפי ירמיה קול רוח דבור זה רוח הקדש...
והשב יוצר על מכוננו

"These are the words of Joseph ben Uziel, who received them from Jeremiah: 'Voice, air, speech,' this is the holy spirit.... and restore the creator to his abode."

As the commentator declares words in the Sefer Yeşirah to be the language of Joseph ben Uziel, he evidently believed that he wrote it.

In another passage the commentator says:

כך יוסף בן עוזיאל מפי ירמיה הנביא נגלה סוד בבבל....

"So Joseph ben Uziel received from Jeremiah the Prophet. The secret was revealed in Babylonia."

By סוד is apparently meant the *Sefer Yeširah*,⁵⁷ which he believed to have been revealed and transmitted to Joseph ben Uziel by the prophet Jeremiah. The commentator may have obtained this information from such passages as that mentioned above, in which it is said that Jeremiah and Ben Sira studied the philosophy of the *Sefer Yeširah*, and revealed it to Joseph ben Uziel, who committed it to writing. It is also possible that the commentator had before him an ancient text of the *Sefer Yeširah*, which had at the beginning בריתא דיוסף בן עזיאל, "Baraita of Joseph ben Uziel" and at the end סליק משנת אברהם ומשנת יוסף בן עזיאל "Here ends the Mishnah of Abraham and the Mishnah of Joseph ben Uziel." Hence the heading and the ending of the commentary, which were taken by Recanati and other writers to mean that Joseph ben Uziel was the author of the commentary. This misunderstanding caused the bibliographers to catalogue it under the title בריתא דיוסף בן עזיאל or ספר יצירה.

In the Leipzig Codex (No. XXX, fol. 12) there is another treatise called בריתא דיוסף בן עזיאל, which A. Epstein⁵⁸ considers a work by the same author as the commentary. The quoted title was given to the treatise apparently because of the following passage occurring therein:

תני יוסף בן עזיאל שגילה לו ירמיה הנביא ואין לגלותו אלא לצנועים

"Joseph ben Uziel taught it. It was revealed to him by Jeremiah the prophet, and it must not be revealed to anyone

⁵⁷ Comp. Rashi on Jer. 23, 18 where סוד is explained by *Sefer Yeširah*.

⁵⁸ *החוקר*, Krakau-Wien 1893-95, II, p. 41.

except the pious" (the modest?). In this passage the author doubtless refers again to the *Sefer Yeşirah*, which was revealed or handed down by the prophet Jeremiah to Joseph ben Uziel.

It is known that Ben Sira was only the family name of the author of *Ecclesiasticus*, which is believed to have been written in the third or second century B. C. About his given name, the opinions vary. According to some, it was Joshua (= Jesus); others say Simeon; still others, Eliezer. I am inclined to believe that one part of the book was written by the high-priest Simeon the Just, and the other by his brother Eliezer during the lifetime of the former; for concerning Simeon Eliezer says:

יֵאֵמֵן עִם שְׁמֵעוֹן חֲסֵדוֹ וּבִימֵי יוֹשִׁיעִינוּ.⁵⁹

"May his kindness be confirmed to Simeon and may he save us in his days."

These two brothers were descendants of the high-priest Joshua ben Jehozadak ben Seraiah, to whom the wisdom taught in *Ecclesiasticus* was attributed. Joshua ben Jehozadak was apparently also called Joshua ben Seraiah, which is really identical with Joshua ben Sira—as Ezra the scribe, for instance, was also called Ezra ben Seraiah.

Like *Ecclesiasticus*, the Pseudo-Ben Sira's "Alphabet of Ben Sira" was also attributed to Joshua ben Jehozadak. Hence its title in the Hebrew-German edition (Offenbach, 1728).⁶⁰

Isidore of Seville, in his remote day (620), identified Jesus, the son of Sirach, with Joshua ben Jehozadak, and in the Latin MSS. of *Ecclesiasticus*, it is stated that Ben

⁵⁹ Norbert Peters, *Ecclesiasticus*, Freiburg 1902, p. 429.

⁶⁰ Comp. *Ozar Yisrael*, New York 1909, vol. 3, p. 107.

Sira was a son of Jehozadak⁶¹ As Jewish tradition⁶² holds Ben Sira to have been a grandson of Jeremiah, we must assume that the prophet's daughter was the wife of Jehozadak. Joseph ben Uziel therefore was a grandson of Joshua ben Jehozadak, and, consequently, could not have written the Sefer Yeširah later than at the end of the fifth century B. C.

As the Pythagorean number philosophy is doubtlessly identical with the Sefirot philosophy of the Sefer Yeširah, therefore, by solving the latter the former has also been solved. We should therefore determine who were Pythagoras and the Pythagoreans. Dr. A. Hirsh (*JQR.*, vol. XX, p. 61) doubts whether there ever was a Pythagoras, although he has no doubt there existed a Pythagorean school of philosophers. It is admitted (J. Burnet, *Early Greek Philosophy*, page 99) that "all that has come down to us under the names of various disciples of Pythagoras is pure forgery, of the most worthless kind. The whole early history of Pythagoreanism is therefore conjectural, and all we really know of the school is what we are told by Aristotle." According to some writers Pythagoras was a Greek, according to others, he was either a Phœnician or a Syrian. There have been also some writers who believe that he was a Jew.⁶³ He has even been identified with the prophet Ezekiel.⁶⁴ If Pythagoras was a Hebrew he should rather be identified with the high-priest Joshua son of Jehozadak. Philolaus, the first one to publish the Pythagorean philosophy, should be identified with Joseph ben

⁶¹ See Nestle in Hasting's *Bible Dictionary*, Vol IV, p. 542.

⁶² See "Alphabet of Ben Sira," n. p. n. d., p. 2.

⁶³ Rathgeber, *Grossgriechenland und Pythagoras*, Gotha 1866, pp. 325, 461, 466.

⁶⁴ *Ibid.*, 534.

שֶׁלֶשׁ עֶשְׂרֵה בְּחֹן בְּהֵן וְחֻקּוֹר בְּהֵן
וְהַעֲמַד דְּבַר עַל בּוֹרִיו וְהוֹשֵׁב יוֹצֵר
עַל מְכוֹנּוֹ:

משנה ד'

עֶשְׂרִים וּשְׁתֵּים אֲוִתִּיּוֹת
חֻקּוֹת בְּקוֹל חֲצוּבוֹת בְּרוּחַ
קְבוּעוֹת בְּפֶה בַחֲמֹשֶׁה מְקוֹמוֹת:

משנה ה'

עֶשְׂרִים וּשְׁתֵּים אֲוִתִּיּוֹת חֻקּוֹן
חֲצוּבֵן שְׁקֵלֹן וְהַמִּירֹן צִרְפֵּן וְצִר
מֵהֵן אֵת כָּל הַיְצוֹר וְאֵת כָּל הָעִתִּיד
לְצוֹר:

משנה ו'

כִּי־צִר צִרְפֵּן שְׁקֵלֹן וְהַמִּירֹן אֶלֶף
עִם כּוֹלֵן וְכוֹלֵן עִם אֶלֶף, בֵּית עִם
כוֹלֵן וְכוֹלֵן עִם בֵּית וְכֵן כּוֹלֵן וְכוֹלֵן
חֲזוֹרוֹת חֲלִילָה נִמְצָא כָּל הַדְּבָר
וְכָל הַיְצוֹר יוֹצֵא מֵהֵן:

Investigate them, examine them, establish the matter clearly, and restore the Creator to His abode.

§ 4

Twenty-two letters are engraved by the voice, hewn out in the air, and established by the mouth in five places.

§ 5

Twenty-two letters He engraved, hewed out, weighed, changed, combined, and formed out of them all existing forms, and all forms that may in the future be called into existence.

§ 6

How did He combine them, weigh them, and change them around? א with all of them and all of them with א; ב, with all of them and all of them with ב; and so forth, all of them turning around in order; thus all words and all forms are derived from them.

משנה ז'

עשרים ושתים אותיות
 קבועות בגלגל בארבע מאות
 ושמונים וארבעה שערים והזור
 הגלגל פנים ואחור וסימן לדבר
 עין למעלה ענג ועין למטה נגע:

משנה ח'

שתי אבנים בונות שני בתים,
 שלש אבנים בונות ששה בתים,
 ארבע אבנים בונות עשרים
 וארבעה בתים, חמש אבנים
 בונות מאה ועשרים בתים, שש
 אבנים בונות שבע מאות ועשרים
 בתים, שבע אבנים בונות
 חמשת אלפים וארבעים בתים,
 מכאן ואילך צא וחשוב מה שאין
 הפה יכול לדבר ואין האוזן יכולה
 לשמוע:

פרק ב'

משנה ט'

צורה וממיר ועושה את כל
 היצור ואת כל הדבור בשם אחד

§ 7

Twenty-two letters are engraved in a circle, with 484 divisions, and the circle turns forward and backward; thus in ענג [delight], the ע is at the beginning; in נגע [plague], the ע is at the end.

§ 8

Out of two stones two houses are built, out of three stones six houses are built, out of four stones twenty-four houses are built, out of five stones one hundred and twenty houses are built, out of six stones seven hundred and twenty houses are built, out of seven stones five thousand and forty houses are built. Go and count further, what the mouth is unable to pronounce, and the ear is unable to hear.

Chap. II

§ 9

He combines and changes about and makes

נמצא כל היצור וכל הדבור יוצא
משם אחד :

משנה י'

שלוש אמות אמש סוד גדול
מופלא ומכוסה שמהן יוצאים
רוח מים אש, אש למעלה ומים
למטה ורוח מכריע בינתיים,
וסימן לדבר מ"ם דוממת שין
שורקת ואלף מכריע בינתיים :

משנה י"א

שלוש אמות אמ"ת סוד גדול
מופלא ומכוסה ומהן יוצאים
רוח מים עפר, ארבע אמות
אמש"ת שהן חמישה אבות שמהן
נולדו עשרים ושבעה תולדות :

משנה י"ב

חמישה אבות כל אחד לבדו
עומד ועשרים ושבעה תולדות
כולם אדוקים באבות, עשאו
כמין מדונה וערכו כמין מלחמה,

all forms and all words
with the One Name; thus
all forms and all words are
derived from the One
Name.

§ 10

Three vowels אמש constitute a great secret, marvellous and hidden. From them go forth air, water, and fire. Fire above and water below, and air holds the balance between them; thus מ is mute ש is hissing, and א holds the balance between them.

§ 11

Three vowels אמ"ת constitute a great secret, mysterious and hidden. From them go forth air, water, and earth. Four vowels אמש"ת, which are five vowels, that gave birth to twenty-seven consonants.

§ 12

The five vowels stand each one by itself, but the twenty-seven consonants are all dependent on the vowels. He made them in

וארון יחיד אל מלך נאמן מושל
בכולן ממעון קדשו עד ערי עד:

the form of a state, and arranged them like an army in battle array. The only One Master, God, the faithful King, rules over them from His holy abode forever and ever.

משנה י"ג

חמשה אבות ועשרים ושבעה
תולדות אלו עשרים ושתיים
אותיות שיסד יה יהוה צבאות
מעשר ספירות ובלמים:

§ 13

The five vowels and twenty-seven consonants, these are the twenty-two letters which the Lord, Lord of hosts, established out of the ten digits and zero.

פרק ג'

משנה י"ד

עשר ספירות ובלמים בלום
פיך מלדבר ולבך מלהרהר ואם רץ
לבך שוב למקום כי על דבר זה
נברת ברית:

Chap. III

§ 14

The ten digits and zero—close thy mouth from speaking and thy heart from thinking, and if thy heart should leap, bring it back to its place; for concerning this has the covenant been made.

משנה ט"ו

עשר ספירות ובלמים נעוץ
סופן בתחלתן ותחלתן בסופן
כשלהבת קשורה בנחלת הבן
בחכמה וחכם בכינה שארון יחיד

§ 15

The ten digits and zero, their end is joined with their beginning, and their beginning with their end,

ואין לו שני ולפני אחד מה אתה
סופר :

as the flame is attached to the coal. Understand wisdom and be wise in understanding, that there is but one Master, and there is no second to Him, and before One, what countest thou?

משנה ט"ז

עשר ספירות ובלוימה צפיתן
כמראה הבזק ותכליתן אין להן
סוף דברו בהן ברצוא ושוב
ולמאמרו כסופה ירדפו ולפני
כסאו הן משתחוות :

§ 16

The ten digits and zero, their appearance is like lightning; to their aim there is no limit. They go and come at His word, and at His command they pursue like the whirlwind, and kneel before His throne.

משנה י"ז

אלה הן העשר ספירות ובלוימה
שבהן חקק את עולמו אל חי
העולמים ברוך ומבורך שמו:

§ 17

These are the ten digits and zero, with which the Eternally Living God, blessed be His name, ordained His world.

משנה י"ח

אחת חקק וחצב בה קול רוח
ודבור וזה רוח הקדש :

§ 18

One—He graved and hewed out of it voice, air and speech, and this is the Holy Spirit.

משנה י"ט

שתים חקק וחצב בהן תהו
ובהו, תהו זה קו ירוק שמקיף
את כל העולם כולו, ובהו אלו

§ 19

Two—He graved and hewed out of them void and chaos. Void is a green

אבנים מפולמות המשוקעות
בתהום שמהן יוצאים מים :

משנה ב'

שלוש חקק וחצב בהן רפש
וטיט עשאן כמין ערוגה הציבן
כמין חומה סבבן כמין מעזיבה
ויצק עליהם שלג ונעשה עפר :

משנה כ"א

ארבע חקק וחצב בהן כסא
הכבוד ואופנים ושרפים וחיות
הקדש ומלאכי השרת :

משנה כ"ב

יצר מתהו ממש ועשה אינו
ישנו וחצב אבנים גדולות מאויר
שאינו נתפש וסימן לדבר עשרים
ושתים מנינן ורוח אחד .

line that surrounds the whole universe, and chaos refers to viscous stones, sunk in the abyss, whence water comes forth.

§ 20

Three—He graved and hewed out of them mud and clay. He arranged them like a garden bed. He set them up like a wall. He covered them like a pavement, and poured upon them snow, and the earth was formed.

§ 21

Four—He graved and hewed out of them the throne of glory, the ophanim, the seraphim, the holy animals, and the ministering angels.

§ 22

He formed existence out of void, something out of nothing, and he hewed large stones out of intangible air, thus twenty-two in number one in spirit.

משנה כ"ג

גם את זה לעומת זה עשה
האלהים, טוב לעומת רע, ורע
לעומת טוב, טוב מטוב, ורע
מרע, הטוב מבחין את הרע,
והרע מבחין את הטוב, טובה
שמורה לטובים ורעה שמורה
לרעים:

§ 23

Also God set the one
over against the other,
good against evil, and evil
against good; good out of
good, and evil out of evil;
good testing evil, and evil
testing good; good is stor-
ed away for the good, and
evil is stored away for the
evil.

משנה כ"ד

וכיון שעמד אברהם אבינו
והביט וראה וחקר והבין וחקק
והצב וצרף וצר וחשב ועלתה
בירו הבריאה אז נגלה עליו אדון
הכל וכרת ברית לו ולזרעו עד
עולם, כרת לו ברית בין עשר
אצבעות ידיו והוא ברית הלשון
וכרת לו ברית בין עשר אצבעות
רגליו והוא ברית המילה וקשר
עשרים ושנים אותיות התורה
בלשונו ונגלה לו את סודן משכן
במים דלקן באש רעשן ברוח
ונתכן לעשר כפולות ושנים
עשרה פשוטות:

§ 24

When Abraham our
father arose, he looked and
saw and investigated and
observed and engraved and
hewed and combined and
formed and calculated, and
his creation was successful.
Then the Master of all re-
vealed Himself to him,
and made a covenant with
him and with his seed
forever. He made a cov-
enant with him on the ten
fingers of his hands, and
this is the covenant of the
tongue; and on the ten
toes of his feet, and this is
the covenant of circumcis-
ion; and tied the twenty-
two letters of the Torah to

his tongue and revealed to him their secret. He drew them through water; stormed through air, He kindled them in fire, and melted them into ten double and twelve simple letters.

Corrections to *JQR.*, New Series, II, 557 ff.

P. 564, l. 25. For letters, read letter.

P. 564, l. 26. For combination by read combination **ss** by.

P. 567, l. 11. For i-a-o-u-i read i-a-o-u-e.

P. 567, l. 26. For Ashkenaztic read Ashkenazic.

P. 569, l. 8. For **h** read **s**. For **w** read **h**.

P. 569, l. 9. For and the **h** and **w** read and the **h**.

P. 570. Footnote beginning, Dr. H. Malter, should be footnote on P. 571.

P. 577, l. 22. For water read snow.

P. 579, l. 25. For numerals read numbers.

P. 581, l. 25. For vowel letters, but read vowel letters **y**, but.

A NOTE ON R. HAI'S LITURGIC FRAGMENT

IN his interesting "Studies in Gaonic History and Literature," Prof. Alexander Marx published a fragment of a *piyyūt* by R. Hai Gaon on circumcision.¹ Like all other poems by that Gaon, this fragment is written in an easy and fluent style. Two words, however, occur in it which form an exception: בלחה (line 7) and בתותח (line 8) are not readily understood. The latter occurs only once in the Bible (Job 41, 21), and probably denotes *javelins*, while the former may be derived from מלתחה (II Kings 10, 22), which again is a *hapax legomenon*. One is at first sight inclined to suggest that, as מלתחה—whatever its derivation—denotes a wardrobe. R. Hai coined the word לתח which he intended to signify *a garment* = בגד. The meaning of this line would then be *he put fringes on the garment*. The second word, which yields no sense when ב is retained, may perhaps be emended to בתותח like *javelins*. The allusion would probably be to R. Eliezer ha-Gadol's implied statement that the phylacteries inspire the Gentiles with awe and terror.²

It must, however, be admitted that, although we are not infrequently driven to adopt forced explanations in liturgic poetry, the above interpretation is not very convincing. Through the courtesy and kindness of Prof. Schechter I have had easy access to that portion of the Cambridge Genizah which is now in the library of the Jewish Theological Seminary of America. The original of the poem under investigation is a fragment of two leaves. Some leaves are missing in the middle, as leaf 2 is no continuation of leaf 1. The fragment evidently formed part of a collection of liturgic poems, the difficult words of which were now and again explained. Thus leaf 1a bears the following superscription:

¹ *JQR.*, New Series, I, p. 103, Text 2.

² וראו כל עמי הארץ כי שם ה' נקרא עליך ויראו ממך ותניא ר' אליעזר הגדול אומר אלו תפילין שבראש (quoted in b. Berakot 6a and other places).

תלכין בעין אלפאין³ את ערובת ח...
 ליחזקאל הכהן אלדנורי סניא נהור בן עלי
 נ ע
 מן כט אפרים בן עוריהו . . .

An exposition of some words of (the piyyūt) את ערובת by Ezekiel b. 'Ali ha-Kohen; taken from the writing of Ephraim b. 'Azaryāhū; i. e. Ephraim annotated Ezekiel's piyyūt. Among the words explained are נרפיהן (specified as biblical), כוסי חרבות (specified as targumic), שובכם (specified as mishnic). These notes break off at the end of 1b. On 2a another piyyūt is written which is completed on top of 2b. Then follows R. Hai's fragment. On the margin of the latter opposite the word בלתח there is the following note written by the same hand: פ' מן דטלנת כנף, which shows that the commentator took this word to be a cryptograph disguising the word כנף a corner. Now by this note we only obtain נ from ת. But what about the other two letters? The כ from ל at once suggests itself by *Atbash*. (comp. ששך = בבל, Jer. 25, 26), and we may obtain כ from ח by the same system by including the final letters. This is, however, unlikely, as we should require a different system for each letter. Then תותח which is more difficult would still remain unexplained. It therefore may not be hazardous to suggest that both לתח and תותח are here cryptographs, from which כנף and ראש זרע, respectively, are reproduced by calculating the numerical values of these words by the system known as קטן, in which no letter is allowed to have a value greater than one digit. Accordingly

$$\begin{cases} \text{לתח} = 3 + 4 + 8 = 15. \\ \text{כנף} = 2 + 5 + 8 = 15. \end{cases}$$

Similarly

$$\begin{cases} \text{תותח} = 4 + 6 + 4 + 8 = 22. \\ \text{ראש זרע} = 2 + 1 + 3 + 7 + 2 + 7 = 22. \end{cases}$$

Thus R. Hai obtained rhymes for פתח by a device customary in Hebrew literature.

Dropsie College

B. HALPER

³ This evidently = אלפאט. In the Genizah fragments which I examined ז sometimes stands for ט, as מנתטר = מנתצר.

⁴ This word is not quite clear, but it obviously is part of the piyyūt.

שטף = HAIR

(Note to *JQR.*, New Series, III, 230-31)

WITH reference to the conclusions of A. Cohen I wish to point out that שטף actually means "hair" in several passages of the rabbinic literature. The proof for this was furnished by me elsewhere¹ nine years ago, and here I reproduce the result of the conclusions reached there. Already Buber and Kohut have adopted the meaning "hair" for שטף in Midrash Tehillim (to Ps. 78, 51), yet it is also found in Sifre to Deut. 18, 4², where ראשית השטף corresponds to the talmudic נוצה של עוים, and in Midrash Ber. r. 65, 22³, where the reference is to the bad smell of goat's hair. From שטף is derived the verb שטף⁴ "to remove the hair with the hand, to pluck out," from which in turn the verbal substantive שיטוף is derived.⁵ Of the same meaning, as Immanuel Löw informs me, is the Syriac שטפא = *evulsio pilorum* (Payne Smith, 4135).

This explanation does away with Herschberg's deductions in *Hakedem*, II (1908), Hebr. division, 68-69.

Königsberg i. Pr.

FELIX PERLES

¹ *OLZ.*, 1903, col. 425-26.

² Ed. Friedmann, 106b; parallel passage b. Hullin 137a.

³ To Gen. 27, 27 (= Shir R. to 4, 11) אין לך דבר שריחו קשה מן השטף
הזה של עוים.

⁴ Tos. Hullin 10, 4; b. Hullin 137a.

⁵ Baraita b. Shabbat 74b, 99a.

HERFORD'S "PHARISAISM"

Pharisaism: Its Aim and Method. By R. TRAVERS HERFORD,
B. A. London and New York: WILLIAMS & NORGATE,
G. P. PUTNAM & SONS, 1912. pp. 340.

MR. Herford has written a striking and an original book, original not so much in its content as in its outlook. He is already known to theological students by a scholarly study on "Christianity in Talmud and Midrash." But in this book he has handled a much more difficult subject, and taken up a much bolder standpoint. His aim, in his own words, has been—

"to present and make clear the Pharisaic conception of religion, the point of view from which they regarded it and the methods by which they dealt with it. I have not sought to write a panegyric on them, but, so far as may be possible for one who is not a Jew, to present their case from their own standpoint, and not, as is so often done, as a mere foil to the Christian religion."

Such a book was long overdue, but misrepresentation of the Pharisees had become such a commonplace among Christian theologians, whether in other respects of the Liberal or the Conservative school, that it seemed beyond hope that the critical spirit, not to say the spirit of justice, would ever be applied to the New Testament record of the sect. Mr. Herford has made the attempt to judge Pharisaism without preconceived prejudices and with sympathy; and it may be said at once that he has been in the main strikingly successful. His Rabbinical learning is sufficient, and he carries it easily; and he has the quality of imagination which enables him to appreciate other points of view than his own. Though his chapters bear an impress of having been delivered as oral lectures separately, the writing is always clear and there is little repetition.

Mr. Herford starts with a historical sketch in which he traces the development of Judaism as the religion of the Torah "which found expression in the intention of fulfilling as a personal duty the commands of God set forth in the Scriptures, and especially in the Pentateuch." He recognizes that the service of God through the law was to the individual Jew not an irksome task imposed on him by external authority, but a willing and glad devotion of himself and all his powers to God. The effect of the Maccabean struggle was to renew the hold of the Jewish people upon the religion of the Torah, and it was the Pharisees who kept that religion as a living principle, capable of being adapted, and needing to be adapted, to fresh developments of religious life. And it was the Pharisee again who, when the Temple was destroyed and the nation dispersed, preserved the religion of the Torah and the tradition in which its meaning and content were set forth in growing fulness. In his second chapter the writer deals with "The Theory of Torah," and in the first place disposes of the deep-rooted fallacy by which Torah is taken to connote simply Law in its sense of binding prescription. On lines which are familiar to Jewish interpreters, but which are a welcome innovation in Christian theology, he shows how Ezra and the Scribes, by making the Torah the seat of authority in religion, deepened the spiritual life of the ordinary Jew.

"The Torah," he says, "made the religion of Israel personal and individual to a far greater degree than it had been before, and it did so by conveying to the individual Jew not merely the legal precept but the prophetic fervour, the joy of the inspiration of personal communion with God as well as the high privilege of serving Him. The introduction of the Torah was not the signal for a decline in the national religious life, but the beginning of a new and strenuous advance; and whereas, before, the prophets had towered high above the mass of the people, who had remained at a comparatively low level of spiritual attainment, henceforth there is a great development of the spiritual nature of the ordinary people,

the individual Jew. There were no more prophets, because there was no further need of any prophets."

In support of this estimate of the spiritual worth of Torah religion, Mr. Herford adduces the development of the synagogue, the first attempt at public worship without a cult, and the growth and completion of the Book of Psalms in the time of the Scribes. But the Halakah in its entirety, he maintains, manifests the same spiritual idea. He takes the extreme instances of minute regulation in the Mishnah, which have been the happy hunting-ground of Christian theologians and Jewish reformers,—such for example as the rules for dealing with an egg laid upon the sabbath—and traces how even in them the Pharisee would feel the teaching of the divine will, without concern for the smallness of the occasion in regard to which he was fulfilling that will. "It is easy to make Pharisaism appear ridiculous, a mere extravagance of painstaking formalism. But that is only possible to those who judge it by a standpoint which its adherents never recognised."

In the next two chapters of the book, the author treads more delicate ground. He examines the relations of Jesus and Paul to Pharisaism, and without trying in the least to explain away their hostility, he contrives to explain it. He brings a critical spirit to bear not only on the text but on the spirit of the Gospels in their treatment of Judaism. In regard to fundamental beliefs there was no disagreement between Jesus and the Pharisees, and many of his phrases, the watchwords of his spiritual religion, were taken by him from his Pharisaic environment. What then was the reason of the hostility between them? Mr. Herford finds it in the claim to personal authority which Jesus set up as the basis of religion. The famous phrase in the Gospel (Matthew 7, 29), "he taught as one having authority and not as their Scribes," gives the keynote of his revolution. For the Pharisees, the Torah was the basis of the religious life, the supreme revelation of God to man. But Jesus, while claiming to fulfil the Torah, was in fact setting up a new sanction of personal conviction. 'Ahad Haam' has recently pointed out that the essential religious characteristic of Judaism is that "it cannot accept with religious enthusiasm as the word of God the utterance of a man who speaks in his own

name—not 'Thus saith the Lord,' but 'I say unto you.'" ("Judaism and the Gospels," *The Jewish Review*, I, 200). And Mr. Herford expresses the same idea, when he points to the fundamental incompatibility between the religion of Torah and the religion of the individual soul. "Christianity in all its forms is a religion founded on personality, one in which the central feature is a Person. And Judaism, at all events since the days of the Pharisees, is a religion in which the central feature is not a person, at all events not a human person, but the Torah." Jesus, therefore, could not understand the Pharisees; and when he calls them 'hypocrites,' that is merely the expression of irreconcilable opposition between his and their religion. It seems obvious, but few Christian commentators have pointed it out, that the justice of the implied charge is not established by the fact that the charge is made, and that recrimination is not argument. The Pharisees have been attacked, even by a Jewish commentator of the Gospels, for their views about divorce and upbraided in no measured terms. But Mr. Herford again rises above the common prejudice, and shows the injustice of the attack.

"The controversy was strictly not about divorce in itself but about the attitude of the Torah towards divorce. Jesus condemned divorce... But the Pharisees also condemned divorce. They could not abolish it, but they sought to restrict what had been the immemorial freedom of the husband to put away his wife at his pleasure. If Hillel and Akiba had seen their way to interpret the Torah in accordance with their own ethical judgment, they would certainly have done so. But in face of the fact that the Torah, the written Torah, expressly allowed divorce, not even Hillel and Akiba could establish the contrary view."

Paul was even more incapable than Jesus of appreciating the true meaning of Pharisaism. He says, it is true, that he was a Pharisee of the Pharisees—so, by the way, did Josephus, whose description of Pharisaism would hardly be accepted as authoritative—but he had abandoned the Jewish standpoint, and wrote years after he had been converted to a different religion; and "a con-

vert seldom takes the same view of the religion he has left as is taken by those who remain in it." Stirred himself by a new faith, and impatient at the slow progress of the Jewish mission to the Gentiles, he believed with an intense and absorbing passion that harmony with God could be obtained only through faith in Jesus, and that it was sought in vain under the law. To such a man those who upheld the Torah as the way of righteousness were unintelligible. But that does not prove that they were perverse. His theory was valid for himself, but it was not valid for the Jew; and arguing from his premises he only described an unreal Judaism, such as it doubtless ought to have been if his premises had been true, but such as in fact and experience it certainly was not. His presentation of Judaism is "at its best a distortion, and at its worst a fiction." Paul in fact introduced into his account of Pharisaism the *odium theologicum* which has remained in the Church ever since.

On one point Mr. Herford seems to do a little injustice to the Pharisees. He speaks of their particularism, which is contrasted with the universalism of Paul's Gospel. Universalist ideas, he thinks, were but seldom touched upon in their ordinary thought and debate. "Moreover the Torah itself, which was to them so all-important, was given only to Israel and would serve only them as a means of salvation." He repeats the same idea with greater emphasis in his conclusion when he says that the religion of the Torah could not free itself from Particularism, and though it could and did cherish a vision of Universalism, the vision was for the far future and only floated fitfully before the gaze of the Pharisee. Has the writer not here lost that historical perspective which has hitherto guided him? It is true that the Talmud contains some passages of a particularist character—in view of the circumstances in which it was compiled that was inevitable—but it contains also many passages which breathe a generous universalism, and it is full of ideas about the Messianic Kingdom which are but an expression of the belief in the ultimate acceptance of the law of righteousness by all mankind. So far from the Torah being regarded as exclusively reserved for Israel, it is stated by the Rabbis with several variations that it was given to Israel for all

the nations, that it was revealed in seventy, different languages, that Israel was dispersed so that he might teach the Torah to the peoples (*Pesahim 87b*, *Megillah 29a*). The particularist sentiments which Mr. Herford cites were evoked by the bitter experience of the second, third, and fourth centuries, when the Rabbis first saw the breaking away of the Christian heresy from the Torah, and then felt the cruelty of the triumphant Christian Church towards those who followed the Torah.

The last two chapters of the book deal with 'Pharisaic Theology' and 'Pharisaism as a Spiritual Religion,' and for a great part they show the same spirit of sympathetic appreciation as marks the rest. Though the author throughout refrains from mentioning his sources, we feel that Dr. Schechter's "Aspects of Rabbinic Theology" has been carefully studied and assimilated by him. He reproduces many of the Rabbinical sayings about the nearness of God, about reward and punishment, and merit, which the Jewish scholar has collected to show the inner religion of the Jewish teachers; and he emphasizes also the fundamental fact which the Jewish scholar has driven home that Pharisaism has no system of doctrinal theology. "Haggadah," he says, "is interpretation of Scripture in all directions except that of precept"; and he points out the fallaciousness of the position of a Weber who tries to extract an exact doctrine from the medley of Pharisaic teachings, generally, as one would expect, an unfavorable doctrine.

The last chapter of this book, however, seems to us the least satisfactory, and that because the writer, in forming his general conclusions, takes too narrow a field for his vision. As illustrations of the spiritual character of Pharisaism he chooses some of the Psalms, e. g. Ps. 103 and Ps. 119, which he assumes to be of late origin, a few of the oldest prayers from the Hebrew liturgy, and a few of the prayers in the Talmud ascribed to famous Rabbis. Of the last he says, "there is nothing very sublime about them, none of the eloquence of rapture. But neither is there any of the vainglorious boasting supposed to be characteristic of the Pharisee." This is discriminating appreciation; but more questionable is his judgment of the whole; that—

"to one accustomed to the New Testament there is a certain flatness about the Rabbinical literature; a want of the sublime and still more of the beauty of holiness, the fervour of faith, the personal consecration which marks the New Testament. There is nothing in all the Rabbinical literature at all like the rapt utterances in I. Corinthians xii."

Now it may be that parts of the New Testament have a different 'feel,' as the writer puts it, from the snippets of the Pharisaic liturgy which he has brought together in this book. But the comparison is surely unfair. If he would compare the spiritual product of Pharisaism with the spiritual product of Christianity, it is fallacious to choose out a few scattered passages from the Talmud and Midrash, which are not in any sense collections of devotional literature, and set them against the intense religious utterances of the Christian Bible. If, however, he had considered the book of Psalms as a whole, or if he had appraised the devotional work of a Baḥya, or Gabirol, which, though later in date than the Talmudic prayers, are equally the expression of Pharisaism as a spiritual religion,—if he had treated them in the same spirit as he has appraised the early fragments of Pharisaic doctrine about Torah, he would hardly have denied to Pharisaic Judaism religious ecstasy, the fervor of faith, and the beauty of holiness. Mr. Herford appears to be here a little too theoretical and, so to say, external, to lack that spirit of sympathy which illuminates his treatment of the New Testament controversies, and to suffer from an inadequate knowledge of Jewish thought outside the Talmud. He brings his 'Theory of the Torah' as the touchstone of the Pharisaic literature, and tries to make it apply to the whole; but to do so he leaves out the whole mystical development of Judaism as though it did not exist. Yet it is fundamental to the Jewish and the Pharisaic spirit that it is at once mystic and legal. The conception of the Law as the guide of human life has from the time of Ezekiel been transfigured in the greatest Jewish minds by the mystic imagination. Mr. Herford's appreciation of Pharisaism is incomplete, because he neglects altogether this aspect of it.

But it were ungracious to end up a review of this stimulating book with a cavil. The outstanding merit remains that a Christian theologian has sincerely endeavored to expound what Pharisaeism meant to those "who held it as their religion, who lived by it and died by it"; and has striven to abandon the habit of regarding Rabbinical Judaism as a means of exalting Christianity. Mr. Herford has not only made a successful endeavor, he has given us what is for the most part a striking achievement, and we hope that some day he will supplement this brief study with a completer appreciation of Judaism.

London

NORMAN BENTWICH

WIERNIK'S "JEWS IN AMERICA"

History of the Jews in America. From the Period of the Discovery of the New World to the Present Time. By PETER WIERNIK. New York, JEWISH PRESS PUBLISHING COMPANY, 1912. pp. xxiv + 449.

THE book before us is a volume of about 430 pages in which the writer proposes to give a history of the Jews not only in the United States but on the whole American continent, from the period of the discovery down to the present day. To do anything like justice to so important and so large a subject, would require years of study and of careful research. This the author does not pretend to have done but tells us frankly in his preface that his work has been compiled in large measure from the publications of the American Jewish Historical Society and from the Jewish Encyclopedia.

While therefore the book is in no sense a scholar's history, it is, despite its many shortcomings, a useful work, presenting to the public a considerable number of facts and data concerning the history of the Jews on American soil. Though merely a compilation, it has the merit of having arranged a considerable mass of material in logical order so as to make a fairly connected narrative, and while lacking the attractive style of Judge Daly's earlier work it has the advantage of including a large quantity of material discovered since Judge Daly's day and at the same time of covering a much more extensive field.

In one of his famous essays, Lord Macaulay mentions three qualities as the most important for the true writer of history. "Great diligence in examining authorities, great judgment in weighing testimony and great impartiality." Judged by any such standard as that, it must be confessed that Mr. Wiernik cannot be considered an historian, and it is unfortunate that he has se-

lected so high sounding a title for the work under consideration. Our author calls special attention to the fact that he has not made any original research, and we will now endeavor to point out the logical result of such a course.

The first third of the book relates to the history of the Jews up to the period of the Civil War. This material is taken practically without exception from the volumes of the Publications of the American Jewish Historical Society, a series of some twenty volumes containing original essays and notes by students of American Jewish history. Such a series, in its very nature, must be fragmentary. Many subjects of even great importance have never been written up, not because they were deemed unimportant but rather because students working in that field were few, and each followed some special line of research. Thus while the colonial and revolutionary period in the older States have been covered by a number of essays, the same periods in other sections have not been investigated at all. The early history of most of our Middle and Western States has scarcely even been touched upon, though it offers a most attractive and fruitful field and though much of the material is readily available, since many of these States have been publishing their early records.

Anyone, therefore, who undertakes to write a history of the Jews of the entire continent, or even of the United States alone, cannot simply rely upon the essays found in the publications referred to, but must, by his own research, fill in the very large gaps which exist and supply equally complete sketches of those States and those parts of our country which have not yet been written up. This is what Mr. Wiernik has utterly failed to do, and instead of calling attention to the fact, he has simply used the published material, leaving the gaps, which in many cases are enormous. His book thereby creates the erroneous impression that Jews are new comers in considerable portions of our country and that their history in those parts dates only from the last quarter of the nineteenth century, whereas even moderate research might well prove the contrary.

Mr. Wiernik assumes that the volumes from which his compilation has been made, contain all available material on the subject

and that because he could find no published essay in connection with the history of certain States, there were, therefore, no Jews in those parts. For this reason that part of his book which deals with the largest area of the United States is covered by some 20 pages only, and the activity of Jews in connection with the War of 1812 and the Mexican War is dismissed with about two pages, though we know that very respectable essays might well be written on both these topics.

Our author is equally unfortunate in weighing his testimony. He overlooks the fact that the books from which he draws his material were not written by one and the same hand but that some of the articles were written by persons more scholarly than others; that while some of the essays give numerous citations of authority, others are based largely on tradition and hearsay. To all this mass of information he accords equal weight and so repeats statements which have little or no foundation in fact. Among the more striking instances of such unverified statements we find that "Abrabanel assisted Columbus financially," that Hayman Levy was the largest fur trader in the colonies, that Manuel Mordecai Noah contributed large sums to the Revolutionary War and that the letter of the Jewish community of Newport to Washington "bears unmistakable traces of having been originally composed in Rabbinical Hebrew." In the same way David S. Kaufman is claimed as a Jew and Rev. S. M. Isaacs is credited with having introduced English sermons in the Synagogue, though it is well known that Gershom Seixas delivered English sermons not only in his own synagogue before and after the Revolutionary period but even preached in St. Paul's Church, New York, by invitation.

The work contains comparatively few citations, and while this may be pardoned because it is intended for popular reading, yet it is to be regretted that where citations *are* given, they are frequently made in connection with matters of little importance, while statements of real importance are not so fortified. Occasionally too, the work of one writer is credited to another.

Broadly speaking, the author divides his book into three parts; the first, which he calls the Spanish and Portuguese Period, and to which he devotes 128 pages, deals with the participation of

Jews in the discovery of the New World, their settlements in Mexico, Peru, Brazil, Guiana, the West Indies and finally their settlement in New York and the English colonies. This is followed by a short chapter on the services of Jews in the Revolution which covers some seven pages, unfortunately omitting some important names while dismissing others with but two of three lines, and in conclusion there is a short discussion of religious liberty, an account of the Jews in the early days of the republic and their service in the War of 1812. The period is so named presumably because the earliest Jewish settlers were in large degree of Spanish and Portuguese origin.

The second portion of the book is named the German Period, and includes the Jewish settlements in the Mississippi Valley, the Middle West, and the Pacific Coast. Almost a whole chapter is devoted to a history of the Jews in Texas, which in turn is followed by a most interesting account of the Jewish Reform Movement, in the discussion of which a sympathetic sketch of Isaac Leeser is deserving of note. Some 25 pages are devoted to the Jews in connection with the Civil War and this portion concludes with an account of the Jews of the United States from the end of that struggle down to 1880.

The rest of the book is devoted largely to "The Russian Period of Immigration," which is given in greater detail than necessary. A whole chapter is devoted to the Russian Passport Question, another to Legislation on Immigration, and considerable space is allotted to accounts of the Russian Massacres and the formation of the American Jewish Committee.

Throughout the work one is struck by a lack of historical perspective, which becomes more evident as the reader proceeds. Contemporary events and personages with whom the author possibly has personal acquaintance, loom up big entirely out of proportion to more important events and worthies of the past. By way of illustration the account of the Jews in the American Revolution covers but seven pages in which the notable career of Francis Salvador, a Jewish member of the Provincial Congress of South Carolina, is dismissed with three lines, while considerable space is allotted to the Roumanian Question, the Hay Note, the Kishinev Massacre and to contemporary Yiddish writers little

known to the general Jewish public. The latter are often given an entire page of biography. This lack of historical perspective also leads our author to devote a whole chapter to Lincoln and the Jews, simply because there existed a mass of information on the subject.

Mr. Wiernik has undoubtedly a sincere desire to be impartial, but the fact remains that his readers get the general impression that the Jew in America is really the Russian or possibly the Slavonic Jew. To him, more space is given than to others, and more important still, he is more sharply focused, so that we almost feel that the author's real purpose was to give an account of the Slavonic Jew in America, and that the rest of the book is largely by way of introduction. Though the history of the Russian Jew in this country is a matter within the memory of most men now living, yet the portion of space devoted to him is entirely out of proportion to that brief period. Most minute accounts are given of the founding of Russian and Polish synagogues, much space devoted to lists and biographies of their rabbis, scholars, and leaders, and many of the names and biographies detailed are those of contemporaries of whom the general public has scarcely ever heard, while even among contemporaries other names of considerable influence are but casually mentioned.

From an historical point of view, it would have been preferable had the author drawn a sharp distinction between the Jew as a religious entity and the Jew as an American citizen. We cannot admit that a long list of the names of synagogues and their founders constitutes a history of the Jews in America, any more than an account of a number of Catholic churches organized by Irishmen would constitute a history of the Irish in America. A small group of Jews, whose religious affiliations may be slight, may possibly have been more influential in American affairs than even a large group of strictly religious observers. It is a mistake therefore to give minute accounts of the founding and founders of synagogues, many of which have been of small importance even locally, and to permit these accounts to take up more space than events of wider scope. The maintaining of synagogues is but one of the activities of the Jew and though a most important one, yet in relation to the country at large, far more important than

a list of synagogues and rabbis, is bringing out strikingly the importance of the Jew as an economic factor, his influence in trade and commerce, in science and art, his recognition in the professions and other walks of life. In treating contemporary history it is far more important to bring out how great is the Jew's influence as a merchant, how large his proportion in our colleges, and even in dealing with individual Jews it is desirable not merely to bring out his services as a philanthropist among his own people, but his influence as the head of great interstate corporations, as the financier or perhaps as statesman or reformer, assisting in the building up of his city, his State, and the nation.

It is true in treating of the early American colonies Mr. Wiernik mentions the name of Rivera, Franks, Lopez and others, but he does not bring out in bold relief how important these Jews were to their environment. On the other hand the names of Synagogues and rabbis of purely local note, of Russian scholars and Yiddish writers, is given such undue prominence that the latter impress the reader far more than the accounts of the former.

The chapter dealing with the Jew in Art, in the Professions, in Science and Literature for instance should be among the most important chapters in the book. It is given about ten pages in all. Instead of mentioning the names of Da Ponte, Strakosch, Grau and Conried, who did so much for the entire American public in developing music, in introducing and maintaining grand opera in America, none of these names are even mentioned, nor are their achievements referred to; on the other hand we are given quite a long list of names of Yiddish actors and actresses with the dates of their birth and often of their arrival in America.

In connection with journalism also it seems a mistake in a work of 400 pages to devote considerable space to a list and to biographies of Yiddish journalists while entirely omitting to mention names like those of Isaac Harby and David Naar, of New Jersey, both prominent factors in their generation. While other great Jewish journalists are mentioned, no idea is given of the magnitude of their enterprises or the wide influence wielded by the stupendous journals they founded.

This lack of judgment is likewise evident in the illustrations contained in Mr. Wiernik's book. The selection is the more strik-

ing because pictures are perhaps the very first things the reader examines. Among the portraits of ministers, for instance, one wonders why Gershom Mendez Seixas, one of the incorporators and for over thirty years a trustee of Columbia College, is omitted. It is our impression that a few pictures of great American synagogues might have been included with advantage and substituted for some of the portraits.

Summing up, we must reiterate that Mr. Wiernik deserves commendation for his sincere effort to tell the story of the Jew in America in the form of a complete narrative. His work will be useful for presenting many interesting facts in Jewish history heretofore known to students only, and in showing that in the older States at least, the Jew is by no means a new-comer but has been a pioneer from the start. We appreciate the great labor involved in compiling a book of this kind and the difficulty under which an author labors who has not made original research and thereby loses that subtle something which, for want of a better name, may be called the atmosphere of history. While the book is perhaps only a newspaper man's compilation, it has considerable value in giving the first complete narrative of the coming of the Russian Jew, of his development on American soil, and in preserving data concerning Russian and Yiddish writers and rabbis whose names might otherwise be forgotten. From that point of view it is a distinct contribution while at the same time it supplies the need for a work that will teach Jews themselves something about the history of their people on American soil. From a broader point of view, however, the history of the Jew in America still remains to be written.

New York City

LEON HÜHNER

GRAVES' "HISTORY OF EDUCATION"

A History of Education Before the Middle Ages. By FRANK
PIERREPONT GRAVES, Ph. D., Professor of the History and
Philosophy of Education in the Ohio State University. New
York: The MACMILLAN COMPANY, 1909. pp. xiv + 304.

THIS work is in the words of its preface "intended to meet the demand for a text-book or reference work that will give a comprehensive idea of the history of education before the days of the monastic schools." The author devotes two chapters to primitive peoples and early civilization and then discusses Egypt, Babylonia and Assyria, Phœnicia, China, India, Persia, Israel and Judea, Sparta and Athens, the Roman World and early Christianity.

Among the ancient civilizations, Egypt naturally comes first. The skill in engineering and advance in architecture which this country exhibits is an index of the advancement in material civilization; yet the complex and highly developed religious life shows that this civilization was not upon the material side alone. The main lines of the higher education in ancient Egypt were priestly, practical and professional. There was an elementary education which was widely diffused and began at the age of five. The Temples furnished the higher education, especially the training for the scribes, and in addition these temple colleges had specific training for architects, physicians and priests. The method of teaching was largely by a memory system. While reading and writing must have been very complex owing to the hieroglyphics employed, a simplified system of writing did arise in ancient times

Babylonia and Assyria had as their main development what might be called scientific training as opposed to the professional education of Egypt. Their science was largely empirical and much

of it, especially astronomy and meteorology, were related to astrology and magic. We have no evidence of any general popular education in the Assyro-Babylonian empire but there was a very highly developed education of the priests and scribes if we may judge from the wide range of subjects represented on the clay tablets found in the numerous Babylonian and Assyrian libraries and the more formal inscriptions. Mathematics, astronomy, natural science, history and probably geography were taught. We also know something of the method of teaching. Memorizing was, of course, very important. The students were taught the cuneiform characters and copied them on clay, which was sent to the potter to be baked. Many tablets with school exercises on them have been found.

Phoenicia although very significant in the history of commerce and geography and in the arts and crafts, would have little importance in this connection except for the very important fact that the invention of the alphabet is usually attributed to the Phoenicians, although in some quarters this is now coming to be questioned. Their education was industrial and commercial. In all probability they were the first people among whom reading and writing were common.

In general, it may be said of all the earlier systems that they were what may be called occupational. That is to say, education consisted in the training for the occupations one was to follow and the method was largely the memory method.

Israel and Judea marked a new departure in education for here we have the beginning of individualism in education. As the genius of the Jewish people lay largely in the direction of religion and morals so the chief aim of education among them was religious and moral. The children were taught in the home or in the family by their parents. The professional education of which we hear about was that of the priesthood and the scribes and probably consisted of a knowledge of law and historical literature. In the schools of the prophets where there may have been something of the same education, the arts of sacred music and poetry were probably most important. Formal higher schools are ascribed to the post-exilic period, the early synagogues, so-called, being originally not places of worship but of instruction.

After the third century B. C., the scribes gave instruction within the portico of the Temple and sometimes in private homes and, a little later, private schools and elementary schools came to be formed and there was a college of scribes which was probably called the Bet Ha-midrash. The education was no doubt the study of law and morals, but mathematics, history and geography and beside Hebrew and Aramaic, Greek came also to be taught. Elementary schools spread to every town and flourished. Simon ben Shetah made education compulsory as early as 75 B. C. in Jerusalem and Joshua ben Gamala extended this requirement to towns and villages in 64 of the current era. The course of education was outlined and there is evidence of considerable pedagogical wisdom. Teachers were held in high esteem, the qualifications were fixed and the discipline of the schools was rigorous. Undoubtedly this educational system upon which the leaders of the nation always laid great stress is the main human instrument for the preservation of the Jews through all these centuries.

The statements indicate in a very brief way the method of the author in giving a survey of education in the ancient world. To each chapter there is attached a fair bibliography indicating the authorities for the education of each people.

The book is a useful text book for pedagogical institutions and has a considerable value for educators showing as it does that the science and art of education were not born yesterday and that in the history of the world there is a long experience in the art of teaching which has its value for the present day.

POLLAK'S "MICHAEL HEILPRIN AND HIS SONS"

Michael Heilprin and His Sons. - A Biography. By GUSTAV POLLAK. New York: DODD, MEAD and COMPANY, 1912. pp. xv + 540.

THIS volume which presents a remarkable study in Jewish family history has a general interest because the men whose lives are described in it covered a wide field of intellectual and artistic ability. Michael Heilprin, the father, was an encyclopedist, an editor, and a Hebrew scholar, and in one aspect a Jewish philanthropist. Angelo Heilprin was a general naturalist but made his

principal reputation as a paleontologist and explorer. Louis Heilprin, like his father, was an encyclopedist and an historian.

Michael, the father, was born in Russian Poland in 1823 and died in 1898. He came of a family which numbered many scholars. Although his activities were mainly outside of the field of Jewish learning, a number of his writings entitled him to the consideration of Jewish scholars. His first contribution of importance on the side of Jewish scholarship was the article on "Hebrews" in Appleton's *New American Cyclopaedia* in 1858. In 1860 he wrote an article controverting the position taken by a rabbi that the Bible was favorable to human slavery. 1879 and 1880 he published his *Historical Poetry of the Ancient Hebrews*, a work which, while substantially accepting the views of the critics of that period, did not slavishly follow them. From his youth he had made notes on the Bible and after his death these notes were edited and published (1893) with an introduction by Dr. Benjamin Szold. Although Michael Heilprin had lost interest in the Jewish religion he was greatly aroused by the Russian persecutions and his loyalty to his people as well as his sense of justice impelled him to aid in the establishment of agricultural colonies for the newly arrived immigrants.

He was Secretary of the Montefiore Agricultural Aid Society which was the originator of much of the agricultural work that has since been done for the Jews in America. He wrote a stirring appeal to the Jews of the United States in 1883 urging them to aid the agricultural movement, and his pen was aided by the inspiring poems of Emma Lazarus. His work at this time was of great service to the Jewish cause.

In 1868 he wrote an article on the Reform Movement among the Jews in which in large and splendid strokes he briefly indicated the course of modern Jewish history. Germany, he declared to be "the central theatre of the movement"..... "In all other countries, England and the United States not excepted, the religious as well as the literary movements of the Jews are but reflections of those going on in Germany."

He wrote a careful review of Delitzsch's *Wo lag das Paradies?* in 1881 in which he concisely stated some weighty objections to that very interesting book. Of Stade's History of Israel,

Renan's History of Israel, Sayce's Hibbert Lectures on the Origin and Growth of Religion he also wrote important reviews.

The scientific work of Angelo Heilprin does not come within the scope of this Review but the writer who knew Angelo Heilprin for many years desires to record the great breadth of his scientific labors, his fine artistic ability, his modesty, and his lovable character.

Louis Heilprin who like his father was an encyclopedist and an editor is known to all students by his Historical Reference Book.

Dropsie College

CYRUS ADLER

RAYMONT'S "BIBLE IN EDUCATION OF THE YOUNG"

The Use of the Bible in the Education of the Young. A Book for
Parents and Teachers. By T. RAYMONT, M. A., London,
LONGMANS, GREEN and Co., 1911. pp. x + 254.

"What, in these days of suspended judgment, bold criticism, and apparently wavering faith, is the use that can and should be made of the Bible, in the education of the young, by all, of whatever shade of religious belief, who value the best elements of individual character and of national life?" It was with the view of offering a solution to this question that our author undertook the preparation of this volume. The author is a teacher by profession and, while perfectly at home in the vast literature of Biblical scholarship, does not claim to offer any help to the student of the Bible, but to the teacher and parent who would use the Bible in their work of training the young. Having this purpose in mind, the author is careful to take but little for granted and gives an exhaustive resumé of Biblical literature, of both Testaments, which will prove of great value to those who have neither the patience nor the desire to wade through the numerous books, manuals, and encyclopedias dealing with the subject.

The first question that will naturally come up in a consideration of the subject is what should be the aim in the use of the Bible in the education of the young. This question is answered in the first chapter of the book, where the author properly comes to the conclusion that "the main and fundamental use of the Bible is that of helping to cultivate the religion of the heart—that sense of dependence upon, responsibility towards, and faith in a Being whose existence and whose wise purpose, notwithstanding many appearances to the contrary, most of us are constrained to acknowledge." The Bible is thus to be used as a text-book of

religion, its narratives, prophecies, psalms, and wise sayings are to serve as illustrations of the wisdom and power of God. But, in order to make intelligent use of the Bible in this way, it is necessary that we understand it fully and are familiar with its contents, in accordance with the best and latest results of students who made its study their specialty.

Our author, therefore, finds it necessary to give a resumé of the Bible from the point of view of modern Biblical scholarship, steering clear, as far as possible, from all controversial and doubtful matters. This resumé, preceded by chapters discussing the literary aspects of the two Testaments, occupies the larger part of the book and may be regarded as an introduction to the Bible from the teacher's standpoint. The scholar may find this perhaps superficial and defective, while the conservative parent or teacher may look upon it as heterodox and doubt-inspiring. This, however, any one who wishes to adopt a middle course, must expect and the value of one's work, as a popular book, is not diminished thereby. The author is certainly painstaking and conscientious, having made use of the best works on the subject and presenting his material in a form which appealed to him, as a teacher and a parent, to be the most intelligible and most useful for the purpose he had in mind. Gifted with remarkable lucidity and terseness in style, the author succeeded in presenting a difficult and complicated subject in a well-digested and systematically arranged form, which will be greatly appreciated not only by the novice and uninitiated but also by those who have given thought and time to the study of the subject.

Teachers will find the last few chapters, dealing with the method of presentation, most valuable. While there also but few original thoughts are found, most of the suggestions being fully covered in books on religious pedagogy, they will still become useful because of their particular and detailed application. The book, indeed, is valuable not so much because of its originality, as on account of the clear and logical presentation of the subject and the mass of material, gathered from various sources and put in a simple and attractive form. The book appropriately concludes with an exhaustive bibliography, covering all phases of the subject of Biblical study in so far as it interests a teacher. At

the end of the book two tables are given, one chronological, covering the events of the entire Biblical history, and the other a systematic arrangement of the subject, which may serve as a pattern for a schedule of studies, based on the Bible, for the different grades of the school.

The author naturally has the Christian teacher and parent constantly in mind, and for them the book will be of great assistance. The Jewish teacher, however, will gain but little from this work, since the attitude of the Jew towards the Bible is quite different from that of the Christian. Of course, the portion dealing with the New Testament has no practical value for the Jewish teacher, but even the chapters on the Old Testament can be used by him only with great care and circumspection. The author's attitude towards the manner of teaching Bible history (p. 20) will not be shared by the Jewish teacher, since to him the historic portions of the Bible not only serve a religious end, but they are at the same time the events that happened to his own ancestors, the history of his own people, which he should know and teach. And since this attitude affects greatly the method of presentation, the excellent suggestions of the author as to the treatment of Biblical subjects in instruction will have to undergo considerable modification before they can be applied by the Jewish teacher or parent. The author's verdict regarding Mr. Montefiore's "Bible for Home Reading," that "the editor's Judaism is so liberal that the Christian teacher must indeed be narrow-minded who cannot use the work almost as it stands." (p. 241), cannot be applied to the book under consideration, when used by the Jewish teacher. And this, not because of the narrow-mindedness of the Jewish teacher, but because of the great difference in the very aim and purpose of religious instruction that exists between the Jewish and Christian teacher, depending on the great difference between the Jewish and the Christian attitude towards religion in general.

RECENT ASSYRO-BABYLONIAN LITERATURE

The Old Testament in the Light of the Ancient East. Manual of Biblical Archæology. By ALFRED JEREMIAS, Licentiate Doctor, Pastor of the Lutherkirche, and Lecturer at the University of Leipzig. English edition, translated from the second German edition, revised and enlarged by the author, by C. L. BEAUMONT, edited by Rev. Canon C. H. W. JOHNS, Litt. D., Master of Catharine's College, Cambridge. II volumes. New York: G. T. PUTNAM'S SONS, London, WILLIAMS AND NORRIS, 1911. pp. 683, with 214 illustrations and 2 maps.

THE theory of 'new ages' that we meet with so frequently in this book, suggests, by an association of ideas, that we too have entered upon a new age. Not many years ago, we lived in the age of the Higher Criticism. It is now replaced by that of Pan-Babylonism. Hugo Winckler, who ushered in this new era, deserves, like the Oriental heroes of antiquity, to be endowed with the qualities of a 'deliverer,' as he saves the Bible from enemies by which it was torn into shreds, in the preceding age. Who, however, will save it from this modern persecutor? For it is evident that another passing fancy, Pan-Babylonism, is becoming an important factor in biblical exegesis and it must be taken cognizance of by biblical students. But it is a laborious task to learn all about this theory from the numerous works of Winckler and his followers. We owe, therefore, a debt of gratitude to the author of this work who for the first time made an attempt to classify this system and to present an index of documentary references and proofs from other mythologies for the biblical interpretation. But, though only claiming to have elaborated Winckler's ideas into a system, the author is by no means as radical as the originator. The latter sees in the mythological *motifs* the basis of the biblical narratives, whilst

the author contends that they merely are used for the form of presentment, without eliminating the historical facts. This admission would be extremely valuable for biblical exegesis, if it were the result of scientific research. It looks, however, as if this standpoint is not that of the unbiased Lecturer at the University, but of the Pastor of the Lutherkirche in Leipzig. For in dealing with angelology, the author says as follows: "On the ground of the religious truths set forth in the Christian conception, and in review of the gospel records of the life of Jesus, we recognize realities of the transcendental world in the angelology of the Ancient-Israelite religion..... And when the cuneiform texts speak of 'the divine messengers of grace' who accompany the king in his campaign, or of 'the guardian of health and life' who stands at the king's side, they are representing a religious truth" (p. 53, II). We need not comment upon such a standpoint. The author thus holds that mythological motifs which adhere to the narrative, prove nothing against the historical probability of the whole fact. But the primitive tales must be judged differently from the legends of the fathers and the stories of the time before the kings, and these again differently from the stories of the time of the kings, lying in full light of history. The motifs form only an artificial part in the true historical books.

The present writer freely confesses that if given no alternative but to choose between the author's and Winckler's opinions, he would not hesitate to give preference to the latter. It is logical to assume that the movements of the stars were personified and presented as stories of certain heroes who never existed. But it taxes too strongly our credulity to believe that ancient writers were unable to present a simple, true story of a fight, without referring to 'the dismembering of the dragon,' the life of a warrior of flesh and blood, without endowing him with the *motifs* of a deliverer, etc., etc.

The designation 'Pan-Babylonian' is replaced in this book by 'Ancient-Oriental teaching,' but it still asserts that the astral doctrine issued from Babylonia, claiming that the oldest and clearest statements of it have been discovered in Babylonia, and it is founded upon astronomy which originated in this country. Thence

it spread out over the whole world, and exerting a different influence over every civilization, it developed into many new forms. Accordingly, the theory of a borrowed literature is to be abandoned. There can only be the question of a common mythological ancestry.

The chief aim of this book is to trace the Ancient Oriental teaching throughout the Old Testament, and for this purpose the author reconstructs the astral system, supporting each point by documentary evidence. This support is, however, though admirably ingenious, very weak. It may be characterized as circumstantial evidence, based by no means upon cuneiform texts, but gathered from figures of speech, the meaning of pictures, sense of the calendars, and here and there from late Greek and other writers. It is homiletic exegesis, similar to that of Talmud and Midrash, and in many respects identical with that of the Kabbalah. The author is fully aware of it, and believing that the Kabbalah had its starting-point in Babylonia, quotes in several places kabbalistic notions in support of his theories. But his acquaintance with kabbalistic ideas is very limited. The same may be said of his talmudic knowledge. He does not know that the main idea of this system 'word-*motifs* and play upon words' is identical with the main halakic principle applied in *נוירה שוה*. If true, it would show that the Talmud possessed the only right key to biblical interpretation. Pan-Babylonian scholars ought to make a special study of mediæval kabbalistic literature, of the *תיקוני הזוהר*, *זוהר*, and the works of Rabbi Isaak Loria and his followers. They will find abundance of material for their purpose. Let us take a few instances. The fundament of the system, seeing a pre-established harmony between a celestial and terrestrial image, the earth being a counterpart of heaven, is the leading thought of the Kabbalah. Even in the Talmud we often meet with the same idea, and it became, a halakic principle, in the sentence *מלכותא דארעא כעין מלכותא דרקיע* 'the earthly kingdom is a counterpart of the heavenly kingdom.' The theory of sacred numbers plays an exceedingly important part in the Kabbalah: 50 and 72—in Babylonian: 50 = Bēl, as completion of the cycle; 50 + 72 = Saros, 3,600—are the most sacred numbers, 50 representing *המיישים שערי בינה* 'the 50 gates of reason,' 72 corresponding to *שם המפורש* 'the secret name of God.' 42 is

another **שם המפורש** mentioned in Talmud *Kiddushin*, transmitted only to initiates of highest character.¹ 13 is the numerical value of **אחד**, representing the unity and the 13 attributes of God. 14 corresponds to **אחד עם הכולל**, that is to say, the word itself counts as a unit. It will be of interest to New Testament students to learn that disciples of Jesus applied the same mystical numbers. In the genealogy of Jesus we are told that from Abraham to Jesus there were $3 + 14$ generations = 42. It undoubtedly indicates that the most holy name of God, having been proclaimed during 42 generations, was now fulfilled, as fulfilment of the name of God, in Talmud and Kabbalah, is a postulate for redemption. The $3 + 14$ contains in all probability an allusion to the Trinity-doctrine.

The idea that each of the planets can reflect the complete Divine power, is one of the main ideas of the Kabbalah. It is even more radical than the author's system. *Each* of the seven **ספירות** which undoubtedly correspond to the seven planets, not only Sin, Shamash, and Ishtar, contain, the power of all of them, thus becoming 49 **ספירות**, $50 = \text{God}$:² Thus we have **יסוד שנחסר**, **נבורה שנחסר**, **חסד שנחסר**, **יסוד שבהור**, **שנחסר**, etc., etc.

¹ The present writer has no doubt that it is the Divine Name **אהיה אשר אהיה** (Exod. 3, 14) by which God revealed Himself for the first time (in E) to Israel, as **אהיה אהיה** gives 42. This double-name (= Gemini, Sin and Nergal?) may have been brought in connection with the *λογος*-idea which is quaintly expressed in **זוהר** (Genesis p. 1a), where we find that from the **אין סוף** emanated **אלהים**, the creator of the world, hence the mystery surrounding this Name. **אהיה** placed in the Four Points of the universe, = 84, comprises all possible constellations, the seven planets multiplied by the 12 signs of the Zodiac. This **שם המפורש** may be seen as number-motif in the story of Elisha (II Kings 2, 24) where by his curse **בשם אדני**, 42 of the boys who derided him perished. In accordance with the motif, they were destroyed by *two* bears. We may even go a step farther, in the kabbalistic system, and maintain that **דוב** has the numerical value of **אהיה**, computed **במספר קטן** (= 12) where ' counts only as a unit.

² It is quite systematical that God and Bêl should have the same numbers, as to the **שערי קדושה** **חמישים** correspond **שערי טומאה חמישים**. For in the Kabbalah, the **סטרא אחרא** ('the other side') is in every respect a counterpart of the **סטרא קדושה** ('the holy side').

It would be a hopeless task to present in a review a satisfactory synopsis of the system, as the author himself devotes to this purpose 141 pages. We can only discuss salient points. The student, desiring to get a clear conception of these theories, will have a hard time, as one is easily bewildered by the descriptions of the constellations, the solstices, the equinoctial points, the diagrams, etc. Some points are still very vague and we would have expected a fuller discussion. This is especially the case in the calendar. We see that in the most remote times the vernal equinox was in the sign of Gemini. Accordingly, the year must have begun with Sivan and ended with Iyyar. From about 3000 down, the vernal equinox was in the sign of Taurus, and the year began with Iyyar. In the eighth century B. C., the vernal equinox retrograded into the sign of Aries, and by the reform of the calendar of Nabû-naṣir, the beginning of the year was transferred into Nisan. The question now arises: The Exodus having taken place in the age of Taurus, how could Nisan have been fixed as the beginning of the year? The simplest solution would be to assume that the Exodus took place in Iyyar, and it was the first month, but in Babylonia, by adopting the Babylonian calendar, the beginning of the year was advanced into Nisan. This suggestion might give some critics a plausible explanation for the institution of the second *Pesaḥ* in Iyyar. But it does not seem to be the opinion of the author, though the passage to which we refer is obscure and contradictory. He says: "We are inclined also to think that Exod. 12, 2 (Nisan as the first month) agrees with old methods = the Babylonian calendar (age of Taurus)" (vol. I, p. 46). Those who deny the antiquity of the Jewish religion, could add a further proof that the story of Exodus was invented in the age of Aries. One could also suggest that Nisan was fixed as the beginning of the year, before the arrival of the vernal equinox, in direct opposition to the current calendar, and as protest against the prevailing sun-worship, in the age of Marduk. From a conservative point of view, however, Nisan became the first month of the year, as being the month, when the Jews gained their freedom, and it coincided accidentally with the vernal equinox in the later age of Aries.

As a very weak point in this system we consider the fundamental idea that the primitive religion of the Ancient-Babylonians was founded upon and regulated by the movements of the stars. It presupposes that, in a very remote period, the Babylonian already possessed a perfect knowledge of astronomy, and consequently a high standard of civilization. Primitiveness and civilization are incongruous terms. Theories of this kind could only have been elaborated in a speculative age. Jastrow in his recent book 'Aspects of religious belief and practice in Babylonia and Assyria' maintains indeed that the rise of astronomy in Babylonia was due to Greek modes of thought. Quotations from Greek, Latin, and Mohammedan authors, concerning the Babylonian views of the universe, are not to be relied upon, as all of them lived in periods when the science of astronomy was already established everywhere. Late speculative ideas they have ascribed to antiquity, and primitive tales, interpreted as reflecting occurrences and phenomena in the starry heaven. The inferences from other mythologies are too hazy to build upon. Even if we should find in them some cognate features, they are due to the fact that all primitive peoples were worshipers of the astral bodies, and the same conditions and the same phenomena lead to the same conclusion.—Many interpretations of the Babylonian myths rest upon the assumption that *shupuk shamē* is the Babylonian name for the Zodiac. The present writer is not convinced of it, and would rather see in this term the mountain of the world, the link between heaven and earth, upon which the heaven was erected (see Jensen, KB., VI, p. 462). R. IV, 5, proves nothing against it, it means only when the gods were threatened by hostile powers, Sin, Shamash, and Ishtar as the most powerful gods, were entrusted with guarding the entrance to heaven. The passage: *Ishtar sha ina shupuk shamē naphat* 'Ishtar who rises in the *shupuk shamē*' evidently shows that it is a locality where only Ishtar rises and not the other planets. Hence it cannot be identical with the Zodiac where all planets rise.

We cannot approve of the author's method of making suggestions and then converting them into indisputable facts. Thus vol. I, p. 344, he mentions the columns of Ta'annek which were probably sprinkled with *oil* or *blood*, and vol. II, p. 104, he asserts that the

Canaanite *Asherim*, stricken with blood, give evidence of the striking of the doorposts with blood, in pre-Israelite Canaan. For the cosmic double-peaked mountain where the *nibiru-point* is said to be, we have in this book the only evidence in Babylonia in figure 11 which, as the author says, possibly shows the mountain, with the sun-god emerging from between the two peaks. There are many other points of the same kind.

A valuable addition to this book is Dr. Johns' introduction. His mild, ironical criticism is an antidote against the influence of Pan-Babylonism, and at the same time a warning to its opponents not to dismiss it by ignorance in contemptuous condemnation.

It is surprising to see scholars, so well-acquainted with events in the most remote antiquity, and occurrences in the starry heaven, knowing so little about what happens everyday about them, being ignorant of Jewish customs practised everywhere by religious Jews. Fancy only that "among orthodox Jews, mothers still teach their sons to take off their caps to the new-moon!" (vol. I, p. 45, n. 2). The author does not know that an orthodox Jew never uncovers his head in holy places and in the presence of holy objects, and not about קדוש הלבנה which has its origin in moon-worship. Scholars ought to mix more carefully the stagnant waters of the Euphrates and Nile with the still flowing spring-water of Jewish life and religious practice.

Die Sprache der Amarnabriefe mit besonderer Berücksichtigung der Kanaanismen, Von Dr. phil. FRANZ M. Th. BOEHL. (*Leipziger Semitistische Studien*, V, 2. Herausgegeben von A. FISCHER und H. ZIMMERN). Leipzig: I. C. HINRICHS'sche BUCHHANDLUNG, 1909. pp. 96.

Kanaanäer und Hebräer. Untersuchungen zur Vorgeschichte des Volkstums und der Religion Israels auf dem Boden Kanaans. Von FRANZ BOEHL, Lic. theol., Dr. phil. (*Beiträge zur Wissenschaft vom Alten Testament*. Herausgegeben von RUDOLPH KITTEL, Heft 9.) Leipzig: I. C. HINRICHS'sche BUCHHANDLUNG, 1911. pp. 118.

The most important information we possess about the condition of pre-Israelite Canaan is found in the tablets discovered in Tell-el-Amarna, in Egypt, in the year 1887. Their significance lies not only in their contents which is eminently of historical value, but also in themselves. Though many of them consist of letters of governors and rulers of Canaan addressed to the king of Egypt, the script and language in which they are written are cuneiform and Babylonian. It shows that Canaan was strongly influenced by the Babylonian civilization. But the style of writing and language differ considerably from that of the cuneiform texts in Babylonia. It sheds light upon the identity of the Canaanite population. On the one hand a considerable number of glosses—Canaanite translations of Babylonian words and ideograms—, verbal forms and expressions that in Babylonian proper are impossible and can only be explained by comparing West-Semitic dialects, prove that Canaan was inhabited by West-Semites. On the other hand, in some of the letters occur many words and personal names that are non-Semitic, and it shows again that Canaan's Semitic population was interspersed with foreign elements. If we believe that Israel's culture and religion grew up on the soil of Canaan—an opinion shared by all critics,—the facts that Canaan was inhabited by a mixed population and that the cast of the Canaanite culture was Babylonian would be of fundamental interest for the history of Israel's religion. For this purpose we have to investigate two points: With what layers of nations have we to deal in the pre-Israelite Canaan? And what were their relations to the Babylonians on the one hand, to the Hebrews on the other hand? The main source for such an investigation are the Amarna-letters, and it can only be conducted upon a linguistic basis.

The first of the present volumes points out and discusses all the linguistic peculiarities of the Amarna-letters, dealing with the style of writing, phonology, morphology, syntax, and the Canaanisms. Of special interest is the part describing the verbal forms, where we are shown the strong influence of the Canaanite language upon the Babylonian formation, in the permansive, the inflections, and the hybrid forms. It is a very useful work, and will be greatly appreciated by students interested in this subject. Though it does

not require any amount of ingenuity to arrive at exactly the same conclusions, especially with the help of Knudtzon's splendid transliteration and translation of the Amarna-letters, the basis of this work, the merit of this book, however, is to have given the complete material to all the forms under discussion, and by this index, the study of this subject is gratly facilitated.

The second volume deals with historical problems, mentioned above. The author does not claim to have arrived at definite results, but merely aims to give a complete collection of the extant material, concerning the Canaanites, Hittites, Amorites, and Hebrews in the cuneiform, Egyptian, Greek-Phœnician, and biblical sources.

The author holds that the names Canaanites and Amorites are not geographical, but ethnographical terms. The latter were Semites and had the whole Westland in possession, reaching to the borders of Babylonia, already in a very early period. But a non-Semitic immigration, from North and East, of the Hittites, consisting of a group of nations of different races and languages, at the time of the first Babylonian dynasty, brought into Palestine the Canaanites, a branch of the Hittites. They settled down in the most fertile part of the country, in the valleys and on the coast and confined the former inhabitants of the country, the Amorites, to the mountainous regions and the Negeb. The same opinion was expressed by the present writer in his review of Clay's "Amurru" (see *JQR.*, New Series, vol. I, p. 150).

In the Amarna-period, however, a new Semitic immigration swept over the country, the *Ḥa-bi-ri* = עֲבָרִים, of which Israel formed a branch. But the foundation upon which this contention rests is extremely frail. There is no necessity to assume that the term *Ḥa-bi-ri* comprises besides Israel other cognate tribes. Israel could have assisted Amorite princes of the Lebanon against Phœnician cities. And as to *ilāni ḥa-ab-bi-ri* 'the gods of the Hebrews' mentioned in the treaties, it exactly corresponds to אֱלֹהֵי הָעֲבָרִים.

In the last chapter, the author discusses the two different methods for the understanding of Israel's religion, the method of

the higher critics, as first applied by Kuenen, and that of Winckler, and contends that each separately is bound to be one-sided, and only a combination of both will give us a true picture of Israel's religion. Its starting point was in the desert of Kadesh, outside of the centers of culture, like Christianity and other religious movements. The influence of the Babylonian culture upon the religion of Kadesh corresponds to the influence of Hellenism upon the shaping of Christianity. Both influences, though contributing to the development of the respective religions, were only superficial.

The present writer differs from the author in many points. He does not believe with Kuenen, Wellhausen, etc. that Israel's religion grew out of primitive peasant religious conceptions. Nor does he admit that the religion of Kadesh was developed under Canaanite-Babylonian influence. But he contends that Israel's tribes, being descendants of those who emigrated from Canaan, and originally from Babylonia, undoubtedly must have been in possession of the Canaanite-Babylonian culture. It accordingly was the fundamental basis upon which the edifice of Israel's religion was erected. The task of the Sinaitic legislation consisted merely in purging, and purifying, and here and there suppressing the old Canaanite-Babylonian religious conceptions. We must always keep in mind that Israel did not immigrate into Canaan, but returned to its old home. Hellenism, however, was not the basis of Christianity, and its influence, without having a destructive effect, was bound to be only superficial. It would have been more logical to draw a parallel between Judaism and Hellenism, shaping and modifying old religious conceptions.

The main value of this book consists in the collection of the material concerning the pre-Israelite inhabitants of Canaan which confirms the biblical records, not in its deductions.

Cuneiform Parallels to the Old Testament. Translated and edited by ROBERT WILLIAM ROGERS, Ph. D. (Leipzig), Litt. D., LL. D., F. R. G. S., Professor in Drew Theological Seminary. New York: EATON & MAINS, 1912. pp. 562 + 48 photographic illustrations and a chronological table.

Keilschriftliches Urkundenbuch zum Alten Testament in Urschrift.

Zusammengestellt, autographiert und herausgegeben von Dr. A. SARSOWSKY. Mit einem Wörter- und Eigennamenverzeichnis von Dr. M. SCHÖRR, Privatdozenten an der Universität in Lemberg. I. Teil: Historische Texte. Leiden: E. J. BRILL, 1911. pp. 71.

THESE two volumes, though not bringing forward any new material, are extremely useful. They supply a real need, and will, therefore, be duly appreciated by many students, especially those whose interest in Assyriology is limited to those documents which shed light upon the Old Testament. For these texts are widely scattered in many rather expensive works and thus not easily accessible, and it is, moreover, a laborious task to collect all the data illustrative of the Bible.

The first volume by Professor Rogers contains mythological, liturgical, doctrinal, chronological, historical, and legal texts, transcribed and translated, besides the parallels from classic writers, in Greek and translation. It offers the largest collection of cuneiform texts necessary for biblical exegesis, yet published in any language. Of special value is the historical part, as the author, well known as a reliable historian, prefaces the texts with brief historical introductions. The chronological table is up to date. It is, however, incomplete, as the approximate dates of the pre-Hammurabi period ought to have been given as well. But the value of this book does not only consist in its contents, but also in its omissions. The author does not thresh out all sensational theories and make every possible comparison with the Old Testament, but only supplies the material and lets the student exercise his own judgment upon it. The translations are in many cases superior to those of previous editions by others. We regret, however, that we cannot give equal praise to all the transliterations. The present writer has compared the chronological texts with the original and found not a few errors and misprints. Variants and even apparent scribal errors ought not to have been omitted. Why not give an exact transliteration of the proper names in the Assyrian Eponym List? The Author having used Delitzsch's *Assyrische Lesestücke*, zweite Auflage, as indicated in the footnote

(p. 219), there was no reason, why the list should be incomplete.³

These slight inaccuracies might easily have been corrected by careful proof-reading, and the author seems to be well aware of these imperfections, perhaps better than the reviewer, and expresses it in his Preface, in saying that this work has cost him so much that his early hopes and enthusiasm for it have slipped away. It shows, however, how precarious it is to rely upon transliterations.

The second volume, therefore, will be heartily welcomed by students who are able to read cuneiform. The historical texts it contains are for the most part identical with those given by Professor Rogers, in the chronological and historical sections. It

³ In the Babylonian Chronicle: Col. I, 6: *Rab-bi-ku* read *Rab-bi-lu*; 23: *Tukulti-apal-e-shar-ra*, original: *Tukulti-apal(àsh)-e-shar-ra*; 40 (translation): *Ishtar-kundu* read: *Ishtar-khundu*; Col. II, 3: *ihlik* (HA-A); 28: *ra-buti-shu* read *rabuti-shu*; Col. III, 3: *is-hu-shu-mu* read *is-hu-shu-ma*; 31: *Hum-ma-hal-da-shu* original: *Hum-ma-AN-da-shu* (AN scribal error or = *il* = *al* and cf. *Um-man-al-da-si?*); 13: XVIII read VIII; 35: *idāk[-shu]* read *idāk-shu*; Col. IV, 12: *Hum-ma-hal-da-shu* original: *Hum-ma-an-da-shu*; 24: after *ilikū* insert (*hi-bi*); 25: after *dikat* insert, according to Duplicate 2, *mārat-su shal-lat ilāni-shu i-tab-ku*; 28: *ul-tal-lu-ni* read *ish-tal-lu-ni*. The Assyrian Eponym List: 825 *Shamash-upahir* read *Shamash-upakhhir*; 861 *Nergal-is-ka-u-danni-in* read *Nergal-is-ka-udanni(KAL)-in*; 850 *Hadil-ebushu* read *Kha-di-li-bu-shu*; 830 *Khu-bak-ba-ai* read *Khu-ba-a[i]*; 829 *Ilu-mukin-aki* read *Ilu-mukin-akhi*; 820 *Ninib-upakhhir* read *Ninib-ub-la*; 762 *Sab-Bel* read *Tab-Bêl*; 720 *Asshur-is-ka-udannis* read *Asshur-is-ka-udanni-in*; 712 *Sharru-limuranni* read *Sharru-e-murani-ni*; There are nine lines (not: some lines) wanting, containing of course the Eponyms of 665-657, and the original Col. VI, 256-265 gives following names: (656) *Sha-Nabū-shu-u*, (655) *La-ba-si*, (654) *Mil-ki-ra-mu*, (653) *Am-ia-a-nu*, (652) *Asshur-naši-ir* (651) *Asshur-malik*, (650) *Assur-dūr-uşur*, (649) *Sa-gab-bu*, (648) *Bêl-ellat(shad?)(-u)-a*, (642) *Bêl(?)Malik(?)*. In the names at the end of the List: *Bêl-na'i'd* read *Bêl-na'i-di*; *Tabu* read *Tab-shar-Sin*; *Silim Asshur*, better: *Lishir-Asshur*. The Assyrian Eponym List with notes: 855 *Asshur-ina-ekalli-lilbur* read *Abu-ina-ekalli-lilbur*; *Asshur-takkil* read *Asshur-tak-lak*; 798 *Lu-u-si-a* read *Lu-u-shi-a*; 792 *erini* read *e-ri-ni*; 770 *Mā-ra-ad* original *shu-ra-ad*; 766 *Til-li-e* read *Til-e*; 743 *dikat* read *di-kat* 731 *Sa-pi-ia* read *Sha-pi-ia*; 707 *sha Ashur-du-ub-bu* read *Sha-Ashur-du-ub-bu*; *sharru ishtu(ana?) Babilī* read [*sharru ishtu(ana?) Babilī*]; 704 *epi-esh* read *e-pi-esh*. The Babylonian Kings List: A: *Zamamu-shum-iddin* read *Za-ma-ma-shum-iddin*. B: to *Adara-kalama* add: son of the former.

has also a short useful glossary—an advantage which we badly miss in Rogers's work. The present writer has examined most of the texts, especially the Amarna-letters, comparing them with those published by Winckler, and found them to be in every respect faultless. It is to be hoped that the author will soon publish the promised second part, containing the religious and mythological texts. We need especially an edition of the Creation-tablets and the Gilgamesh-epic in which all the fragments are pieced together, with the probable restorations.

Bismya or The Lost City of Adab. A story of adventure, of exploration and of excavation among the ruins of the oldest of the buried cities of Babylonia. By EDGAR JAMES BANKS, Ph. D., Field Director of the Expedition of the Oriental Exploration Fund of the University of Chicago to Babylonia. With 174 illustrations. New York: G. P. PUTNAM'S SONS, 1912. pp. 455, with a map.

This volume is justly designated by the author as a story, as it describes in a popular way the discoveries made by him in the Babylonian mound of Bismya and has been especially written for the general reader who is interested in days and things long passed. It dwells, therefore, at full length on many things well known to the scholar. As a story, it is a very entertaining and instructive book which one would like to read through at a single sitting. The scholar, however, is less interested in the esthetic beauty of the description and the author's adventures and travels than in the results of the Expedition, which are given in chapters XI-XVIII. The most important discovery was a statue of a king which showed that the place of the excavation was once the ancient city of Adab. The inscription on it was published and translated in the *American Journal of Semitic Languages*, XXI, p. 59 and reads, according to the author: 1) *E-sar* (MAḤ) 2) *lugal Da-udu* 3) *lugal Ud-nu Ki* "(The temple) *E-sar* (or *E-Maḥ*), king David, king of Adab," and he remarks that the appearance of the name *Da-udu* may end the discussion as to the derivation of the biblical name David. But the reading of the name is not only quite improbable, as the sign for *udu* has the syllabic value *lu* and

dib, but simply impossible. In the first place, the title "king" can neither in Sumerian nor in Babylonian precede the proper name. In the second place, *Da-udu*, if Sumerian, could only mean "with a sheep" or, "with me is a sheep," and thus be, as a proper name out of place. But we can neither agree with Thureau-Dangin (*SAK.*, p. 152) who reads: "1) *E-sar* 2) *shar rum da-lu* 3) *shar Adab ki* and translates "*Esar*, the mighty king, king of Adab," as the suggestion that *da-lu* stands for *da-num* "mighty" is too daring. We believe, therefore, that the name of this king was *Lugal-da-lu*—just as good a name as *Lugal-anda*, *Lugal-kisal-si*, *Lugal-zag-gi-si*, etc., etc.—*E-sar*—so of course, not *E-mah*—means "the temple of the park" = *Bit kiri*. This temple may have been situated in the precincts of the temple *E-Mah*. The latter was restored by Hammurabi (Code, Col. III, 69) and is also mentioned in the copper tablet inscription, discovered at Bismya. But it is more probable, as we shall see, that both *E-sar* and *E-Mah* are identical and synonymous. The name of the *pa-te-si* found in the above mentioned inscription is to be read *E-igi-nim-sig-è*, not—as the author reads—*E-she-ul-pa-ud-du*, which may be translated into Semitic *Bit-Elamti-Shūpu* "the house of Elam is excellent" and suggest some connection of this ruler with Elam. On *igi-nim* = *Elamtu* see Brün. 9376. The characters on this inscription are identical with those on the Obelisk of Manishtusu (about 2700 B. C.), and may thus be pre-Sargonic and not belong to a period between Narām-Sin and Ur-Engur, as the author believes. As the author does not say anything about its contents, the present writer will do so, tentatively. It reads:

Col. I 1) <i>Dingir Mah</i>	For the goddess Bêlit (?),
2) <i>E-igi-nim-sig-è</i>	has this <i>E-igi-nim-sig-è</i> ,
3) <i>ni pa-te-si</i>	the sovereign-priest
4) <i>Ud-nunki</i>	of the city of Adab,
5) <i>E-Mah mu-na-dú</i>	the temple <i>E-Mah</i> built;
Col. II 1) <i>gim-bi ki-shu</i>	by its architect, on the place,
2) <i>temen ba-sig</i>	the <i>temen</i> was laid.

On *dingir Mah* = *Bêlit* see Muss-Arnolt, Dictionary, p. 120. But as *mah* is the usual ideogram for *šīru* "exalted," *dingir-mah*

could be = *Anum širum* "the exalted Anu," cf. Code of Hammurabi, Col. I, 1. The first suggestion, however, is more probable, as *Nin-har-sag*, mentioned in Dungi's Brick-inscription, to whom the temple *E-Maḥ* or a part of it, was dedicated, and who by Ur-Bau is called "mother of the gods" (see *SAK.*, p. 60, 3, 8) appears indeed to have been identified with *Bēlit* of Nippur. Thus *dingir Maḥ* would be identical with *Nin-har-sag*, and *E-Maḥ* would mean—not the great temple—but the Temple of *Maḥ* i. e. *Bēlit*.—To the particle *ni* = *shū* "this," affixed to *E-igi-nim-sig-è*, comp. *Gu-de-a-ni* "this Gudea" (Cylinder, *passim*).—On *gim* = architect, cf. Code of Hamur., XXXV, 56.—*ki-shū* = *ana ashri*: "to the place."—To *sig*, in connection with *temen* (TE), cf. Gudea Cylinder, A, XI, 18: *ud temen-mu ma-si-gi-na*. For the function of *ba* as passive prefix, see Langdon's *Sumerian Grammar*, § 189.

The author's translation of the Brick inscription is in the most important point wrong. It reads as follows:

1) <i>dingir Nin-har-sag</i>	For the goddess <i>Nin-har-sag</i> ,
2) <i>Nin-a-ni</i>	his mistress,
3) <i>Dun-gi</i>	has Dungi,
4) <i>nitah kalag-ga</i>	the mighty man,
5) <i>lugal Uru-ki-ma</i>	the king of Ur,
6) <i>lugal Ki-en-gi</i>	the king of Shumer,
<i>ki-Uri-ge</i>	and of Akkad,
7) <i>gish kesh-du</i>	the (temple-)park,
8) <i>kenag-ni</i>	her beloved one,
9) <i>mu-na-dū</i>	(lit. for her, he) made.

The author translates *gish kesh-du* by "platform." But the fact that *kesh-du* is preceded by *gish*, the determinative for wood, ought to have shown him that the object which Dungi dedicated to his goddess, was made of wood, not a brick-platform. Besides the word for platform is *kisal*. In all probability, however, the signs for *keshda* and *sar*, which in a later period became in the script identical, have a cognate meaning, as *keshda* = *rakāsu* "to bind," and *sher*, *ser*, unquestionably identical with *sar*, = *kašāru* "to bind" (see Muss-Arnolt, *Dictionary*, a. l.). Prince (*Sumerian Lexicon*, p. 313), therefore, rightly assumes that the meaning of both comes

from the idea "thick growth of the forest," the meaning of *sar* "forest, park" = *kirū*. Thus *keshta* alone has the secondary meaning "to bind," but *gish keshta* is a synonym of *gish sar* = *kirū* "park." If so, the *gish keshta* which Dungi dedicated would be identical with the temple *E-sar* which, as we have seen, means "the temple of the park." It would be indeed surprising that Dungi should not have mentioned the temple *E-sar* or *E-Mah*. We see now that he did, but used a different expression. The gold inscription of Narām-Sin is of special interest, as it appears to confirm the fact that this king was indeed deified. The author did not notice it. It reads:

- | | |
|---------------------------------|----------------------|
| 1) <i>Na-ra-am dingir En-zu</i> | Naram-Sin, |
| 2) <i>lugal</i> | the king |
| 3) <i>A-ga-deki</i> | of Akkad, |
| 4) <i>dingir uru-ge</i> | the god of the city, |
| 5) ... <i>sub</i> (KA + SHU) | prayer |
| 6) [<i>lu</i>] <i>gal</i> ... | king (?) |

For *dingir-uru-ge* cf. *ilu Na-ra-am-ilu Sin ilu Akkadimki* (SAK., p. 168).

The legend on the boat-shaped vase reads:

- | | |
|---|---------------------------------|
| 1) <i>Nin dingir</i> ... | To the mistress, the goddess... |
| 2) <i>Ur dingir En [-lil]</i> | has <i>Ur-Enlil</i> , |
| 3) <i>dumu Ur dingir Lugal-edin-son of Ur-Lugal-edin-na,</i>
<i>na (!)</i> | |
| 4) <i>nam-til-la-[ni]-shu-</i> | for his wife |
| 4) <i>a mu-na-[ru]</i> | dedicated |

For *Lugal-edin-na* "the king of the desert" see Brünnow 4530.

The author ought to have told us the meaning of the Vase inscription of Bar-ki, king of Kish, as it might show whether this king was a Sumerian, or a Semite like Uru-mush and Manishtusu. The other Vase inscription of this king (p. 266) reads:

- | | |
|----------------------|-------------------|
| 1) <i>Bar-ki</i> | <i>Bar-ki</i> , |
| 2) <i>lugal kish</i> | the king of Kish, |

present volume, containing all the proper names of the Cassite period which are at present accessible to us is a valuable work in every respect, and will serve as a reliable basis for further investigations. Apart from the Cassite names, the meaning of which, for the most part, is still obscure, and the Hittite-Mitani names, the full appreciation of which will be obtained, when the language of the Hittites is understood, the book greatly contributes to Semitic philology, as it largely deals with Semitic names of that period. The Table, showing the different theophorous name formations, is highly useful for the reading of ideographically written proper names. The many suggestions in the list of elements deserve serious consideration. The present writer, however, has some doubts, whether all the elements enumerated in the Cassite-group are Cassite. If the element *Gal-zu* belongs to this group, we would have to assume that Cassites lived in Babylonia a thousand years before they became the ruling people of this country, as we find bearers of the names *Gal-zu-daian*, *Gal-zu-ilu* and *Gal-zu*, on the Obelisk of Manisthusu (about 2700 B. C.). And even the element *na-zi*, which in the Cassite-Babylonian Vocabulary is translated by *šillu* "shade, protection," is found there in the hypocoristicon *Na-zi-tim*. It is not surprising to find the same elements in the Hammurabi period, in *Damu-gal-zu*, *Ilu-na-zi*, for at that time Cassites were indeed in Babylonia, as we know from the Dilbat inscriptions, published by Ungnad.

Tiglath Pileser III. By ABRAHAM S. ANSPACHER, Ph. D. (*Contributions to Oriental History and Philology*, No. V.). New York: COLUMBIA UNIVERSITY PRESS, 1912. pp. 72.

The reign of Tiglath-pileser the Third—or as we ought to say now, the Fourth—was not only of great importance for the Assyrian empire, as his accession gave a new lease of life to this scourge of the world, but also fateful for Israel, as it was this king to whom Ahaz of Judea applied for help, and his interference was fraught with disaster for the Northern Tribes of Israel. The present volume deals at length with all the details of the life and history of this king.

The special aim of the author is to fix, by the aid of all the available historical inscriptions which are very fragmentary, the

geographical localities and the routes of march of this king's campaigns. In this respect, the author has greatly contributed to a better knowledge of ancient geography. The discussion of many historical points concerning the antecedents of this king's accession and the political condition of Assyria are also noteworthy, though in some parts there may be more fancy than truth. We notice, however, that the author overlooks the fact that the first month of the year in Assyria, at that time at least, was not *Nisan* but *Iyyar*; and as Tiglath-pileser ascended the throne 745 B. C., on the 13th (not 12th) of *Iyyar*, he was justified in considering it as a full calendar year of his reign. As we see, no satisfactory explanation for *Pulu*, the Babylonian name of Tiglath-pileser is forthcoming. If we may assume a root *pēlu* "to subdue"—as has been done, though it is doubtful—the present writer would see in *Pulu* a permansive form of the Pa'el *Pu'ulu* "the conqueror" which subsequently became *Pulu*.

Ancient Assyria. By C. H. W. JOHNS, Litt. D., Master of St. Catharine's College, Cambridge. (*The Cambridge Manuals of Science and Literature.*) Cambridge: at the UNIVERSITY PRESS, 1912. pp. 172, with 13 illustrations and two maps.

The name of Johns, well known as a careful and moderate scholar, is in itself a full guarantee for the reliability of the present volume which contains a brief history of Assyria. It indeed presents an up-to-date history, in which the latest results are embodied. It will, therefore, be useful, not only to the general reader, for whom the Cambridge Manuals are chiefly intended, but also to students well acquainted with the earlier works on Assyrian history, by Tiele, Hommel, Winckler, etc., as these works have been rendered nearly obsolete, by recent discoveries. The *Deutsche Orientgesellschaft*, which since 1903 has been exploring the site of the ancient capital Ashur, has nearly doubled the number of monarchs of Assyria known to us. It is rather annoying to learn that Shalmaneser II. of the Black Obelisk is to be termed Sh. III., Tiglathpileser III. was T. IV., etc., etc. But Assyriology is in this respect no exception. It shares the fate of all sciences in which theories are being continually upset and displaced by facts. And even this work is only of ephemeral value. Any day may bring

more information and the history will have to be re-written and studied again. We notice that the illustration to page 66, representing the statue of Ashur-naşir-pal is, by some mistake, ascribed to the first bearer of this name (a contemporary of the Babylonian king Adad-shum-uşur, about 1250 B. C.). It is of course the statue of the great Ashur-naşir-pal III, as the inscription, which gives the genealogy of this king shows.

Mesopotamian Archaeology. An Introduction to the archaeology of Babylonia and Assyria. By PERCY S. P. HANCOCK, M. A. With numerous illustrations, also maps. New York: G. P. PUTNAM'S SONS, 1912. pp. 423.

In this volume the author attempts to give an account of the civilization of ancient Babylonia and Assyria, in the light of the new material which has been made accessible to us since the publications of the pioneers in the field of excavation and research. The attempt is, as a whole, successful, and this book may, at present, be regarded as the standard-work on Babylonian and Assyrian archaeology. The fourteen chapters, into which the book is divided, deal with all the subjects which go to make up the civilization of any country.

The first chapter traces the origin of the Sumerian, holding as probable that they emigrated from Elam, describes the physical characteristics of the country, the soil, the various kinds of trees and cereals which flourished there, and the animals the people were familiar with, discusses the date of the arrival of the Semites in the Mesopotamian Valley, and gives a sketch of Babylonian-Assyrian history. The following three chapters give a historical review of the excavations, describe in a very clear and precise way the decipherment of the cuneiform writing, its pictorial origin and the materials used for the purposes of writing.

Chapters V-XII deal with architecture, sculpture, metallurgy, cylinder-seals, shell-engraving and ivory-work, terra-cotta figures and reliefs, and stoneware and pottery. The use of stone, as a building accessory, dates from the most ancient Sumerian times. Though Babylonia is as poor in wood as it is in stone, there is sufficient evidence for the use of wood as building material, in all

periods. Metal seems to have been added more for the adornment of the conspicuous parts of the buildings, than used as an integral part of the structure. As to the general plan of Sumerian temples, we are still in a state of ignorance. Other buildings of a secular character have been preserved in a more satisfactory state. Of the arrangement of private houses, we know comparatively little. The column never seems to have occupied a prominent position in the architecture—a fact which was again due to the dearth of stone and wood. To the same is owing the general use of the arch, which was indispensable to a people whose building materials were of small size.

Concerning sculpture, the bas-relief was the favorite and the most successful expression of the artistic genius of both Babylonians and Assyrians. For the study of early Sumerian sculpture in the round, we have not much material at hand, for what they excelled in, they practised most. It was not till the age of Gudea that sculpture in the round assumed a prominent part in the artistic life of the people. In the art of working metals the Babylonians showed no small degree of proficiency. The metals which appear to have been most in use are copper and bronze. The copper age commenced in Mesopotamia at a very early period. Gold was only used for exceptional purposes. The same was the case with silver. Lead was used both in unmixed state and as an alloy. Iron was first known in its meteoric state.

The Mesopotamian dwellers, like all Orientals, were fond of gay colors, and gratified their taste for such in various ways, but no attempt was made to faithfully represent the objects of nature, and the colors they frequently used were, from the naturalistic standpoint, entirely impossible. The colors chiefly employed are blue, yellow and white, while green, red and black are of rare occurrence. The background of the picture is generally a shade of royal blue.

The engraved seals which kings and commoners used alike, was an indispensable convenience of civilized society in primitive times. The materials used in their manufacture were serpentine, marble, quartz crystal, chalcedony, carnelian, agate, jasper, syenite, jade, obsidian, onyx, limestone, schist, mother of emerald and amethyst. The interest of the seals is of course centered in the

scenes depicted which elucidate many legendary uncertainties in the Babylonian religious conceptions. The art of engraving on shell dates back to the earliest period, ivory, however, not being procurable in Mesopotamia, was not used till the people extended their power outside. From this time, they were able to command a supply of this precious substance. Terra-cotta being comparatively fragile, and durability being one of the most important considerations of the artists, this material was not employed so frequently for objects of a votive character, as might have been expected. Various kinds of stone were used as materials for making bowls and vases from the earliest Sumerian days.

The two last chapters describe dress, military accoutrements, life, manners, customs, law and religion. The full dress of the earliest Sumerians comprised nothing more elaborate than a skirt fastened round the waist and probably made of wool. The head of the majority of the figures on the early sculptures is hairless and beardless. The dress of early Sumerian women is somewhat uncertain. From the earliest times, marriage was regarded in the light of a legal contract. Polyandry was evidently not unknown. Women were employed as weavers, gate-keepers and hairdressers. The trades pursued by men were numerous. The fertility of the soil naturally encouraged its cultivation. Part of the land belonged to the royal domains, the remainder being occupied by private individuals. The work of irrigation was undertaken by the state and not left to private enterprise. The gods worshipped in the age of Gudea (B. C. 2450) were known and venerated in the time of Uru-ka-gina (B. C. 2800). Many of the laws of Hammurabi's Code show little or no variation from those in force, if not actually systematized, in the time of Uru-ka-gina.

The chief sources for the study of Babylonian symbolism are the cylinder-seals, the Babylonian Boundary-Stones, and the monoliths of Assyrian kings. The winged disc is clearly symbolic of Ashur. But the Babylonian boundary-stones provide more material for the study of Babylonian symbolism. In the last few pages the author discusses Babylonian eschatology and gives a short bibliography.

This book is, as we said above, of capital importance. But the author ought to have expressed himself with more reserve, in

dealing with life, customs and religion of the early Sumerians, as far as their description is exclusively based on inscriptions. Our knowledge of the Sumerian language is still in its infancy, and we may be wide of the mark in many interpretations of early Sumerian inscriptions. They are for the time being merely more or less probable suggestions and ought not to be represented as indisputable facts.

From the author's descriptions we gain the impression that Babylonian culture was exclusively derived from the Sumerians and that the Semites did not contribute anything noteworthy towards it. This is hardly fair. In point of religion, at least, the Semites whom we find in the country as a ruling people about 300 years before the age of Gudea, unquestionably influenced and modified the conceptions of the Sumerians. In an Archeology we would expect a discussion about the original home of the Hammurabi-dynasty, whether they were South-Arabians or West-Semites.

We are not convinced by the author's arguments that the original home of the Sumerians was the Elamite plateau. The early Sumerian seals do not prove anything in this respect. Considering the mountains as the seats of the gods, they naturally depicted the animals and trees found in them as sacred symbols. Besides it is very improbable that the Sumerian civilization had its origin in Elam. The primitive religious and mythological conceptions point to Eridu as the earliest settlement of the Sumerians and the cradle of their civilization.

Sumerian Tablets in the Harvard Semitic Museum. Part 1, chiefly from the reign of Lugalanda and Urukagina of Lagash. Copied with introduction and index of names of persons by MARY INDA HUSSEY, Ph. D. (*Harvard Semitic Series*, volume III.) Cambridge, U. S. A.: HARVARD UNIVERSITY, 1912. pp. 36, plates of autographed texts 75, and photographed reproductions 6.

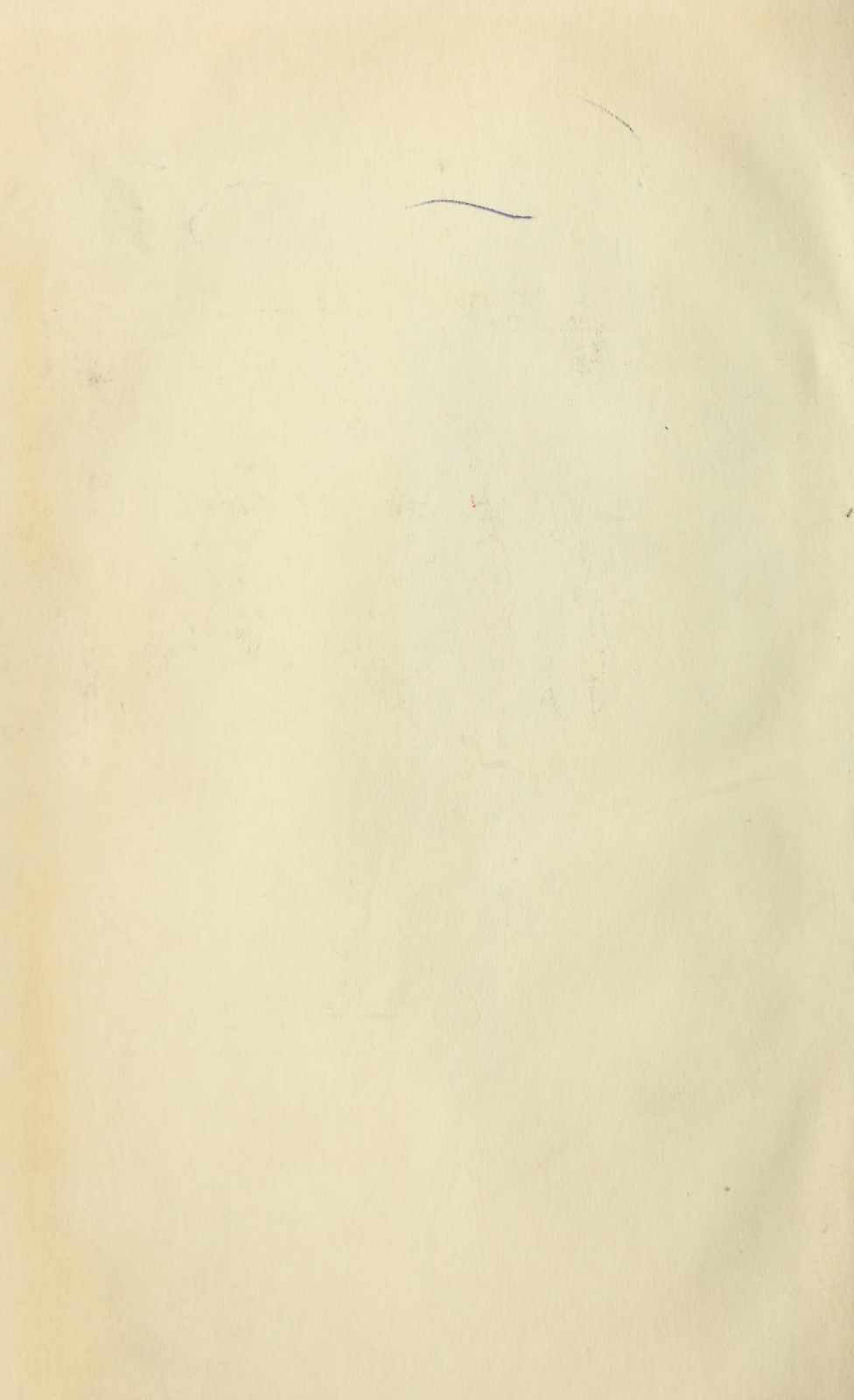
The texts published in this volume belong to a very early period, approximately 2800 B. C., to the reigns of *Lugal-an-da*.

sovereign-priest of Lagash, and his immediate successor(?), *Ur-ka-gina*, who on his accession to the high-priestly office, made himself king of this city. The tablets for the most part contain accounts of the palace and temple expenses. Though nine-tenths of the contents consist of proper names and numerals and in recent years many texts of exactly the same period and the same character have been published, they are nevertheless of great value. They contain many signs not identified yet and thus offer new problems in palaeography. The proper names are of course of great importance. So are the names of the months. But text editions of this kind ought not to be published without a list of the signs. The author should have explained the meaning of the Sumerian series designations. The arrangement of the columns, in the obverse from left to right and in the reverse from right to left, is confusing and unnecessary. The introduction, in which the author dwells at length on the use of the curvilinear and cuneiform numerical notations, is not very satisfactory, as it does not give much help for the reading and understanding of the text.

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